



**PALM BEACH COUNTY  
ZONING APPLICATION STAFF REPORT**

**BOARD OF COUNTY COMMISSIONERS, SEPTEMBER 25, 2025**

**A. Application Summary**

**I. General**

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**Application Name:** Westgate Village MUPD, ABN/ZV/PDD/CA-2025-00406  
**Control Name:** Palm Beach Kennel Club (1983-00050)  
**Applicant:** Investment Corporation Of Palm Beach  
**Owner:** Investment Corporation Of Palm Beach  
**Agent:** Urban Design Studio - Joni Brinkman and Jean-Louis Lentzy  
**Project Manager:** Matthew Boyd, Senior Site Planner

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**Title:** an Official Zoning Map Amendment **Request:** to allow a rezoning from General Commercial Zoning District (CG/RH) to the Multiple Use Planned Development (MUPD) Zoning District on 42.06 acres

**Title:** a Class A Conditional Use **Request:** to allow WCRA Density Pool Bonus Request on 16.05 acres of the 42.06 acres

**Title:** a Development Order Abandonment **Request:** to abandon a Special Exception for an Open Air Flea Market under Resolution R-83-803

**Title:** a Type 2 Variance **Request:** to exceed the maximum setback for the build to line on 16.05 acres of the 42.06 acres

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**Application Summary:** The application is for the proposed Westgate Village MUPD which is proposed for the site currently developed with the Palm Beach Kennel Club. The site has a prior Board of County Commissioners (BCC) approval for the Kennel Club and a Special Exception to allow an Open-Air Flea Market. The BCC approved a new facility for the Kennel Club to relocate to the northern 5 acres of the subject site by Application Number ZV/PDD/W-2024-529 (Control 2024-036). The site is located in the Westgate Community Redevelopment Area Overlay (WCRAO).

The overall acreage consists of 47.06 acres for the proposed abandonment of the Special Exception for an Open-Air Flea Market (Resolution R-83-0803) that includes the new 5 acre location of the Kennel Club.

The remaining 42.06 acres is proposed for a mixed-use development to be rezoned from General Commercial (CG) on 33.33 acres, and Residential High (RH) on 8.73 acres to the Multiple Use Planned Development (MUPD) Zoning District. The application includes a request for a Class A Conditional Use for 16.05 acres of the site (Phase 1) to allow 406 multifamily residential dwelling units. The density is derived from the underlying 5 units per acre future land use (81 units) and 325 units from the WCRA Density Bonus Pool. The application also includes a request for a Type 2 Variance to exceed the maximum 25-foot build to line front setback required by the WCRAO.

The Preliminary Site Plan identifies the existing non-residential uses on the southern portion of the site, including Indoor Entertainment, Restaurant, Type 2 Kennel, and office space totaling approximately 133,272 square feet, supported by surface parking. Phase 1, located on the northern portion of the site, proposes eight three-story multifamily buildings with 406 residential units.

Vehicular access is provided from Congress Avenue, which serves as the main entrance to the overall development. A secondary access point is located further south along Congress Avenue, supplemented by an emergency access easement positioned at the northeast corner of the site to accommodate fire rescue operations.

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**II. Site Data**

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**Acres:** 42.06 acres  
**Location:** Northwest corner of the intersection of Belvedere Road & N. Congress Avenue  
**Parcel Control:** 00-43-43-30-00-000-5190  
**Future Land Use:** Commercial High, with an underlying MR-5 (CH/5)  
**Zoning District:** Multi-Family Residential (High Density) District (RH) and General Commercial District (CG)  
**Proposed Zoning:** Multiple Use Planned Development District (MUPD)  
**Tier:** Urban/Suburban

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**Utility Service:** PBC Water Utilities  
**Overlay/Study:** Westgate/Belvedere Homes Overlay  
**Neighborhood Plan:** N/A  
**CCRT Area:** Belvedere Homes  
**Comm. District:** 2, Commissioner Gregg K. Weiss

### III. Staff Assessment & Recommendation

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**ASSESSMENT:** Staff has evaluated the standards listed under Article 2.B, and determined that the requests meet the standards of the ULDC subject to Conditions of Approval as indicated in Exhibits C-1 to C-3

**STAFF RECOMMENDATION:** Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibits C-1 to C-3.

**PUBLIC COMMENT SUMMARY:** At the time of publication, Staff had received no contact from the public regarding this application.

### IV. Hearing History

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**ZONING COMMISSION:** at the September 4, 2025 Zoning Commission this item was part of the Regular Agenda. The Applicant presented the project, followed by reiteration by the Zoning Staff. There were public comment cards submitted for this item in favor for all four of the listed requests and there was no ZC discussion. Commissioner Vinikoor made the motion to adopt a resolution approving the Type 2 Variance requests of Regular Agenda Item 7.b, 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 of the Regular Agenda Items 7.c and 7.d, which was seconded by Commissioner Caliendo, and the motion carried by a vote of 9-0-0. As item 7.a was an abandonment of a Special Exception no action was required by the Zoning Commission.

**BCC HEARING:** *Scheduled September 25, 2025*

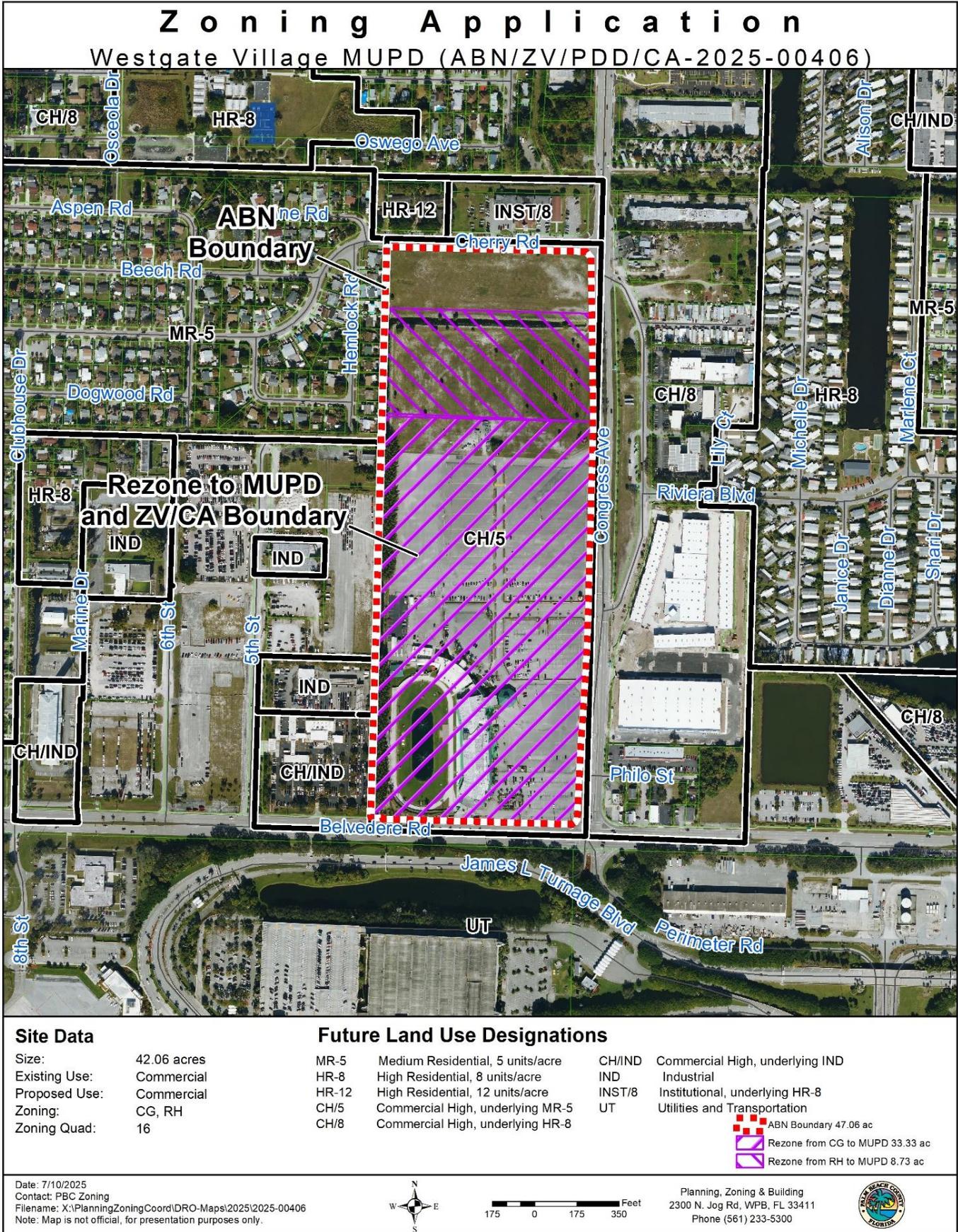
## B. Data & Analysis

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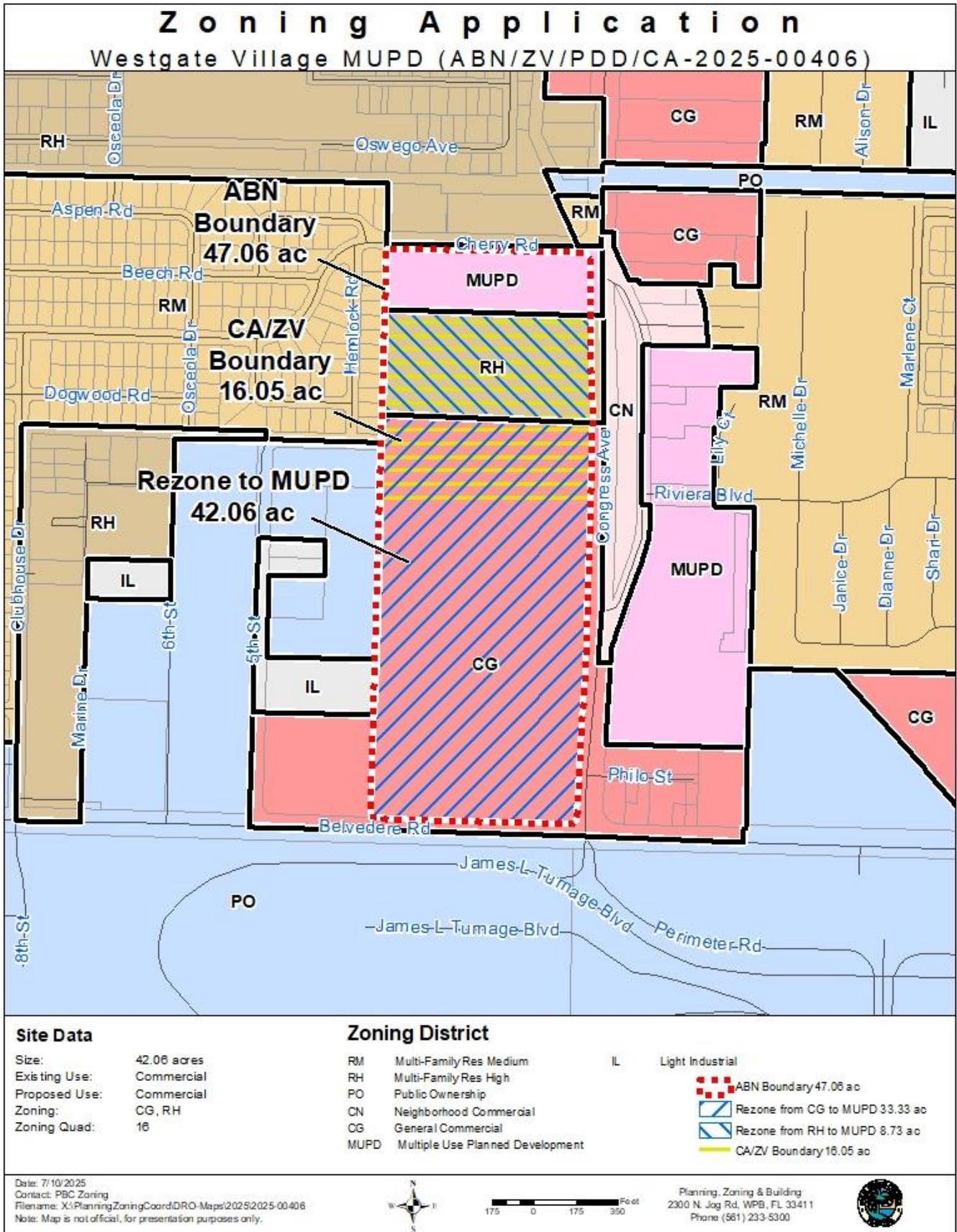
The supporting data and analysis is provided within the following Exhibits.

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# Exhibit A.1 - Future Land Use Map



## Exhibit A.2 - Zoning Map



## Exhibit B.1 - Standards Analysis & Findings

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### PDD- Official Zoning Map Amendment to a Planned Development District and Class A Conditional Use for Density Bonus

When considering a DO application for a Rezoning to a PDD or a TDD, or a Conditional Use, excluding Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHP), the BCC or ZC shall utilize the Standards a through h indicated below. An application which fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

The following analysis is for both the Official Zoning Map Amendment to the PDD and the Class A Conditional Use for the Density Bonus.

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.*

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

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

o *Relevant Comprehensive Plan Policies:* The subject site is located within the Westgate Community Redevelopment Area (WCRA) in the Urban/Suburban Tier and has a Future Land Use (FLU) designation of Commercial High with an underlying Medium Residential, 5 units per acre (CH/5). The Applicant is requesting to rezone from the Commercial General (CG) and Residential High (RH) Zoning District's to the Multiple Use Planned Development (MUPD) Zoning District. Per FLUE Table 2.2.1-j.1, Residential Future Land Use - Zoning Consistency, the CH/5 FLUs and MUPD Zoning are consistent.

o *Density and Workforce Housing Program (WHP):* The Planning Division reviewed the request for 405 dwelling units on the subject 42.06 acres utilizing the Medium Residential (MR-5) future land use and the WCRA Density Bonus Pool. The Applicant has requested to only utilize the density associated with Pod 1, consisting of 16.05acres.

The MR-5 future land use designation would permit a maximum of 80 units (HR-8 x 16.05ac = 80.25 or 80, rounded down). The Applicant is utilizing 325 units from the WCRA Density Bonus Pool to achieve the requested 405 dwelling units. The WCRA requires that 20% of the total dwelling units proposed are to be deed restricted for the Workforce Housing Program (WHP). The total units and subsequent WHP obligation was achieved as follows:

80 units per MR-5 FLUA

325 units WCRA Density Bonus Pool

405 total Dwelling units x 20% = 81 total units for WHP

For projects of 10 or more units, utilizing the WCRA Density Bonus Pool, the WHP obligation and standards are listed in Art. 3.B.14.H.1.a.4) (pg. 54). The WHP obligation requires a minimum of 20% of the total units as onsite affordable and workforce housing units, with a minimum 10% and with no more than 40% of the total project at or below WHP Mod 1 income category. The Applicant has indicated that all 81 of the required WHP units are to be provided as on-site rental units with 40 dwelling units at or below the Low-income category and 41 dwelling units to be provided in the Mod 1 income category. Furthermore, the obligation has to comply with the Art. 5.g.1.a.3. Design Standards, Delivery of the WHP units and Enforcement.

The request is consistent with the Westgate recommendation letter dated March 14, 2025 and the Palm Beach County Planning density determination letter dated May 22, 2025. Any additional density requested for the overall site will have to return to the WCRA and PBC Planning for further analysis.

o *Planning Conditions of Approval:* The Planning Division has proposed Conditions of Approval to implement the requirements of the Workforce Housing Program (WHP).

o *Special Overlay District/Neighborhood Plan/Planning Study Area:* The request is located within and is consistent with the Comprehensive Plan's Urban Redevelopment Area (URA), the Westgate/Belvedere Homes Community Redevelopment Area Overlay (WCRAO) and the Comprehensive Plan's Revitalization, Redevelopment, and Infill Overlay (RRIO). The analysis for each planning area is provided below:

- *WCRAO* - The request is in the Urban General (UG) sub-area and is designated as existing commercial within the overlay. A letter dated March 14, 2025, was received from the Westgate Community Redevelopment Agency (WCRA) recommendation board, stating that the proposed

use and WCRA Density Bonus Pool units are supported by the WCRA Board and is compatible with the goals and objectives of the Westgate CRA Community Redevelopment Plan. The WCRA went on to state that the request will "offer new, quality mixed-income housing stock" and "facilitate the redevelopment of vastly underutilized land".

- **URA & RRIO-** The subject site is located in an area designated, and encouraged by the County, to be redeveloped and revitalized. Therefore, the request to utilize an undeveloped portion of an existing non-residential site for mixed use furthers the objectives of both Overlays.

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.*

o **Overlays:** 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. As this property has 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 Overlay:** 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 the Belvedere Homes CCRT areas.

o **Access:** The main vehicular access to the site will be from east side of the site along Congress Avenue which also functions as the front of the total development. A secondary access point is provided further south along Congress Avenue, with an emergency access easement for fire rescue to the northeast.

o **Westgate Density Bonus:** The proposed Class A Conditional Use for Density pool increase is not in conflict and is consistent with the Code as laid out in Article 3.B.14 – WCRAO and Article 3.E.3 – MUPD. The subject parcels are located within the Westgate Redevelopment Area Overlay, more specifically sub area Urban General (UG). The UG area is an additional redevelopment area allowing for mixed-use development with more intense commercial and residential uses, including multi-story towers where feasible.

- **Sub-area Use Regulations:** The regulations of WCRAO provide additional requirements to a select group of uses in addition to the requirements of Art. 4.B, Use Classification. In the UG subarea. Multifamily units may be Permitted by Right in non-residential districts where mixed use is permitted in accordance with Table 3.B.14.E. WCRAO Minimum/Maximum Residential and Non-Residential Uses.

**Table 3.B.14.E – WCRAO Minimum/Maximum Residential and Non-Residential Uses**

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
Mixed Use (2)	Prohibited	Permitted (1)(3)	Permitted (1)(3)	Permitted (3)	Permitted	Permitted	Prohibited
Min. Residential Use	N/A	50%	50%	0%	0%	0%	N/A
Max. Residential Use	N/A	100%	100%	100%	100%	100%	N/A
Min. Non-Residential Use	N/A	0%	0%	0%	0%	0%	N/A
Max. Non-Residential Use	N/A	50%	50%	100%	100%	100%	N/A
[Ord. 2006-004] [Ord. 2011-001] [Ord. 2015-031] [Ord. 2018-002] [Ord. 2020-001] [Ord. 2021-023]							
Notes:							

- **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 UG sub-area allows for 40% building coverage, with setbacks between a 10-25 foot Build-to-line along Congress Avenue and Belvedere Road, 15 feet on the sides and 25 feet from the rear. A minimum of 60% of the width of the lot frontage must be built with the building along Congress Avenue. The Applicant is proposing eight three-story multifamily structures, though twenty (20)-stories is allowed. In addition the Applicant has proposed buildings 1 and 3 along the frontage for Congress Avenue with building 2 setback allowing a Plaza within the set frontage. The Preliminary Site Plan also indicates a max 36 foot front setback in front of building 1 and 3, with a 103 front setback indicated in front of building 2 along with a Plaza depth of 74 feet. This creates an inconsistency with the maximum Build-to-line setback and max plaza depth of 25 feet as indicated in Table 3.B.14.F – WCRAO Non-Residential and Mixed-Use Sub-area PDRs. The Applicant has requested Type 2 Variances to deviate from the maximum allowed Build-to-line setback and Plaza depth in the UG Subarea.

- **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 using 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 UG sub-area the maximum density bonus per acre that can be requested is 150.

**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 phase 1 development would be 25.23 units per acre. The Applicant is well below the maximum density bonus pool for the UG sub-area.

Acres	Future Land Use	FLU Density	Bonus Units	Bonus Units/ac.	Total # units	Proposed Density
16.05 (Phase 1)	5 du/acre	80.25 units	325 units	150 units	405 units	25.23 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-8, a minimum of forty (40) units are restricted to the Low Category, and forty one (41) units are restricted to the Moderate 1 Category.

- **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-9 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.*

○ **Architecture:** The structures are required to comply with the Architectural Guidelines specified in Article 3.B.14G – WCRAO Supplementary Standards by Sub-area, in addition to the Article 5.C - Design Standards. The Applicant submitted Preliminary Architectural elevations (Exhibit E-4) which Staff has reviewed for consistency with both Article. 3.B.14G – WCRAO Supplementary and Article. 5.C – Design Standards of the ULDC.

○ **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 1 Bedroom unit; 1.5 spaces per 2 Bedroom unit; 2 spaces per 3 Bedroom unit, and 0.25 space per unit for guest parking thus requiring a minimum of 602 spaces
- The PSP proposes a total of 2,184 parking spaces, 615 parking spaces for the residential component of the site (north) and 1,569 parking spaces for the existing non-residential component of the site (south).

○ **Landscaping/Buffering:** The proposed development incorporates a 16-foot Type 2 Incompatibility buffer is provided along the north property line, accompanied by a 6-foot high wall to screen the adjacent non-residential development. Along the east property line abutting Congress Avenue, and the south

property line abutting Belvedere Road, there is an existing and proposed 20-foot Right-of-Way (ROW) buffers. On the west side of Phase 1, a 21-foot Incompatibility buffer is provided along the north portion of the property line, also accompanied by a 6-foot high wall to mitigate impacts on adjacent residential uses. In addition to the perimeter buffers the proposed development indicates an inclusion of landscaping within the 0.80 acre usable open space with a total of 51 trees, 28 canopy trees and 22 Palm trees. Staff has placed a condition to at minimum the total 50 trees are met.



○ **Signs:** The Applicant states in their justification statement that they are proposing two monument signs. A Master Sign Plan is required, and was submitted with the proposed entry signs abutting Congress Avenue long the north access point to the residential phase 1. And showing two existing freestanding signs along Congress Avenue along the south non-residential portion of the 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 Multiple Use Planned Development (MUPD), which includes a mix of residential and non-residential uses are generally consistent and compatibility with the surrounding land uses and character of the area. The proposal demonstrates compatible integration with the existing development pattern along Congress Avenue, which features a diverse mix of commercial, institutional, and multifamily residential uses. And promoting continuity and integration with the existing urban fabric. While the proposed buildings may exceed the massing and density of nearby uses and structures, the overall development is consistent with the Urban General (UG) subarea standards. The site's orientation and pedestrian-focused design—including activated public open spaces enhance visual continuity and walkability along the corridor. The proposed site design, scale, and access strategy further support compatibility by minimizing operational impacts and enhancing connectivity with neighboring properties. These elements support the goals of the Westgate/Belvedere Homes Overlay and advance the County's Comprehensive Plan objectives for urban infill, redevelopment.

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.*

The Phase 1 (Northern portion) site layout and design proposes eight new three-story multifamily buildings totaling 406 units at a density of 25.33 units per acre. This density is achieved through utilization of the Westgate Community Redevelopment Area (WCRA) Density Bonus Pool, supplemented by standard density allowances including Workforce Housing Program (WHP) units. The site has existing non-residential buildings to remain on the southern portion of the site abutting Belvedere Rd.

The proposed design is consistent with the WCRAO design objectives along Congress Avenue, and is anticipated to have minimal impact on adjacent Single and multifamily residences to the west, due to appropriate buffering. While the requested density is permitted under the Code, it is subject to approval by the Board of County Commissioners (BCC). The Applicant is proposing to construct the proposed 3-story multifamily buildings on the northern portion of the site. The proposed development for the uses and parking are configured in a manner to minimize adverse impacts on adjacent properties. The subject site is surrounded by residential and non-residential uses on all sides. With the proposed development's landscape buffers along the north and west followed by the Right of Way (ROW) buffers along the south and east, minimizes any potential impact to surrounding properties.

Additionally, the Applicant seeks Type 2 Variances to exceed the maximum build-to-line setback and to increase plaza depth beyond Code allowances. These variances are associated with enhanced public realm features, including expanded buffering and activated plaza space along the front façade

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 with this application for review and provided the following analysis:

- **Vegetation Protection:** The site was previously developed. There are native vegetation species that exist on the site. The vegetation on the existing developed area will remain unaffected. The newly proposed developed area contains native vegetation that will be relocated or mitigated. The water management tracts, and open space have been located to maximize onsite preservation.
- **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 15.
- **Environmental Impacts:** There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

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

The proposed rezoning and density increase are consistent with the established development pattern of the area. Rezoning the site to the Multiple Use Planned Development (MUPD) district will enable redevelopment with a mix of residential and non-residential uses, in direct support of the goals outlined in the Westgate Community Redevelopment Area Overlay (WCRAO). The site's frontage along Congress Avenue provides both pedestrian and vehicular access, promoting connectivity and walkability while maintaining compatibility with surrounding land uses and infrastructure. This access strategy supports the intent of the ULDC and contributes to a cohesive, context-sensitive development pattern. Future development of the southern portion of the site is projected to include additional two additional phases encompassing multifamily housing with supplementary commercial development, a Master Plan exhibit (exhibit E-5) has been provided showing the desired projected development.

g. **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 addition of this Multi-Family Residential development to the existing Kennel Club site is expected to generate additional 1839 net daily trips, additional 150 net AM peak hour trips, additional 158 net PM peak hour trips. Overall, with the existing Kennel Club, the site will generate 5812 net daily trips, 225 net AM peak hour trips, and 486 net PM peak hour trips. The build out of the project is assumed to be by 2028.

Most of the links meet adopted Level of Service (LOS) with existing lanes. However, the link of Belvedere Rd from Australian Ave to I-95 and the link of Congress Ave from the Project Driveways to Okeechobee Blvd will have background failures, meaning these links will not meet adopted LOS, regardless of the proposed project. Three intersections were also evaluated. Intersections of Belvedere Rd/Congress Ave and Belvedere Rd/Military Trail will have background failures with existing lane configurations. The intersection of Westgate Ave and Congress Ave will meet adopted LOS with existing lane configurations.

The site will be served by a total of four driveways, one right-in/right-out on Belvedere Rd, two full access on Congress Ave (one with signal), and a right-out only driveway on Congress Ave. All these driveways are existing, but will be improved. A southbound right turn lane will be constructed at the northern driveway, which will serve as direct access to the new residential development.

#### LAND DEVELOPMENT:

The Department of Engineering and Public Works Land Development Division provided comments throughout the review of this application and requested modifications have been incorporated by the Applicant. The site is located within SFWMD C-51 basin, sub-basin 39 as well as Lake Worth Drainage District. The drainage system will comply with SFWMD as well as Palm Beach County regulations for compensating storage, attenuation and discharge. To ensure C-51 compensating storage and water quality are met, the site will provide exfiltration trench and depressed swales. Legal Positive Outfall for the site is available via connection to the existing ditch (that is proposed to be filled with piping) within the PBC Easement Drainage Easement or adjacent PBC Roadways Belvedere Road and Congress Avenue.

Permits will be obtained from SFWMD and PBC Land Development. 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 (PO) all configure this parcel into a legal lot of record. The PO shall modify the existing median opening on Congress Av. The PO shall dedicate right-of-way for a right-run lane on Congress Avenue at the project's entrance. The PO shall extend or construct a left turn west approach on Belvedere Road at Congress Avenue, modify the left turn lane north approach on Congress Avenue, extend the left turn lane south approach on Congress Avenue and modify the right turn lane north approach on Congress Avenue at the project's entrance.

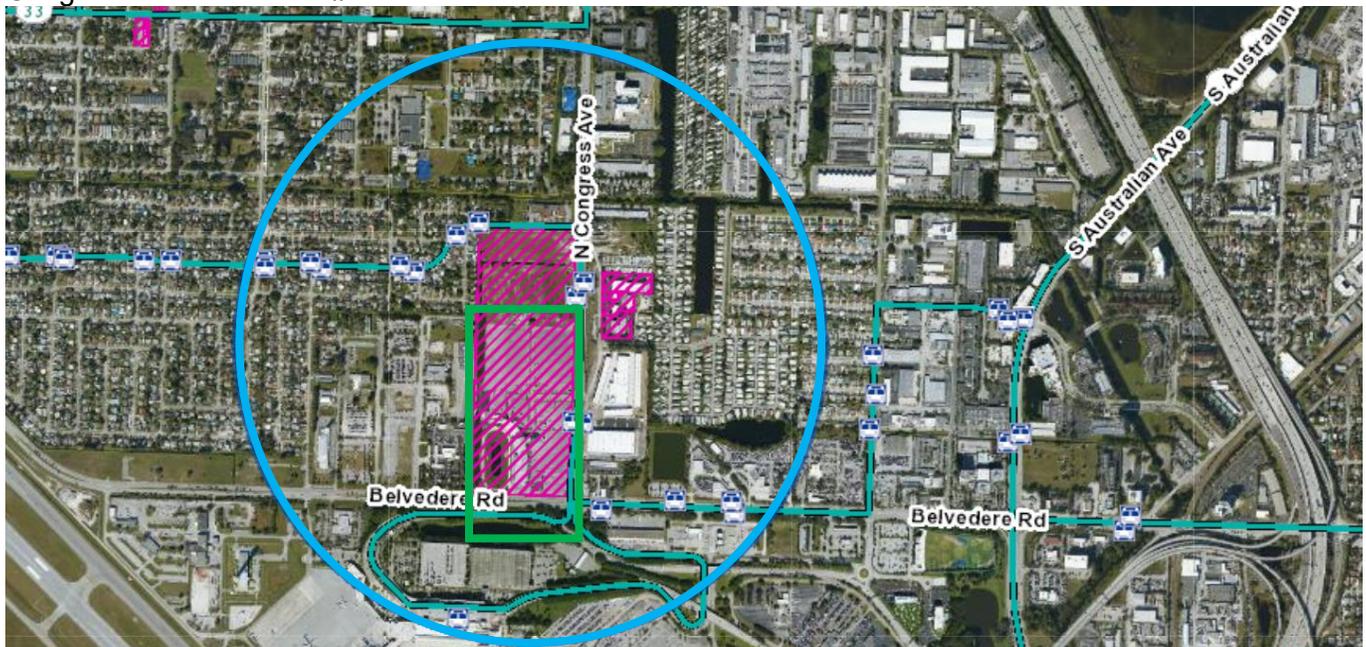
**DRAINAGE:**

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-9):

*“Legal Positive Outfall for the site is available via connection to the existing ditch (that is proposed to be filled with piping) within the PBC Easement Drainage Easement or adjacent PBC Roadways Belvedere Road and Congress Avenue. There will be a master overall drainage permit for the overall site and filling of the ditch through Palm Beach County and SFWMD. The 16.05 acres will be permitted as a construction phase to this overall conceptual permit.”* Prior to the issuance of any building permits, the Applicant is responsible for obtaining required permits and approvals for the Districts.

**MASS TRANSIT:**

Palm Tran Review Staff were provided with this application for review, and had no comments. There are 22 bus stops within a ½ mile of the subject site. The closest bus stop is directly in front of the site along Congress Avenue Route #44.



**PALM BEACH COUNTY HEALTH DEPARTMENT:**

The Health Department Review Staff were provided this application for review. They stated, *“The Florida Department of Health has no objections to this project.”*

**WATER AND WASTEWATER PROVIDER:**

The subject site is within the water and wastewater service boundaries of the Palm Beach County Water Utilities Department (PBCWUD). PBCWUD Review Staff were provided with this application for review. They provided comments that were addressed by the Applicant. PBCWUD provided a Service Availability letter, stating that the nearest point of connection to water and sewer is available in the Congress Avenue right of way. Improvement will be required. Prior to final approval by the Development Review Officer, the Applicant will be required to provide a final Concurrency Reservation from PBCWUD. Prior to the issuance of any building permits, the Property Owner must obtain the applicable approval and permits from PBCWUD.

**PARKS AND RECREATION:**

The Parks and Recreation Department 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. They provided the following comments during the review, *“Consider labeling the multi-use trail as alternative recreation to allow a 25% reduction in overall recreation requirements. This would bring you from 2.43 acres down to 1.82 acres of required recreation. The project requires 1.21 acres of onsite recreation and proposes 1.32 acres. Therefore, meeting ULDC recreational requirements.”*

**SCHOOL IMPACTS:**

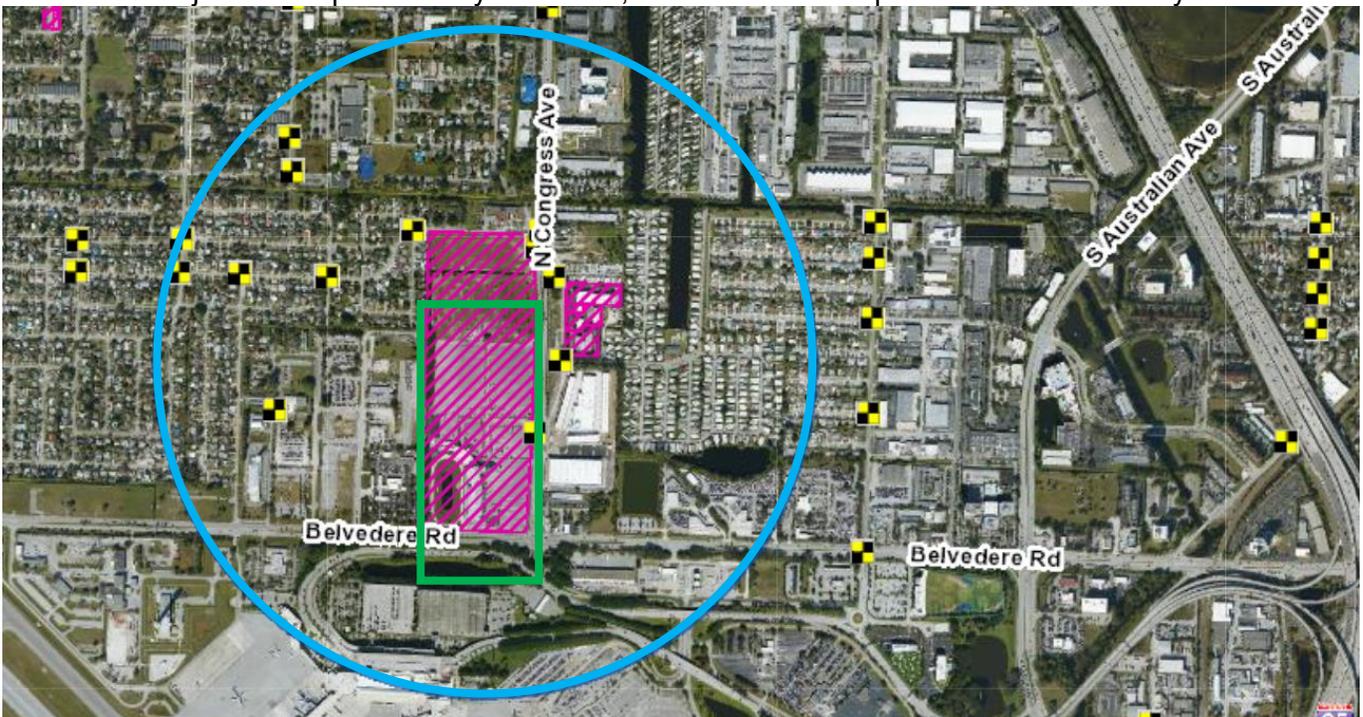
The Palm Beach County School District Review Staff were provided this application for review. They provided the following analysis. In accordance with the adopted Coordinated Planning Interlocal Agreement, a School Capacity Available Determination (SCAD) for 405 multi-family residential units was issued on April 25, 2025 (SCAD Case #25041601Z - Rezoning and 25041601D - D.O.). The subject property is located in SAC 151.

This project is estimated to generate approximately one-hundred and thirty-eight (138) public school students. The schools currently serving this project area are Westgate Elementary School, Jeaga Middle School and Palm Beach Lakes Community High School.

The School Capacity Availability Determination (SCAD) analysis (Exhibit E.12) for this application has determined that the proposal would exacerbate capacity deficiencies at the District high school level. The additional thirty-eight (38) high school students generated by this proposal will increase the utilization percentage of Palm Beach Lakes Community High School to 110%.

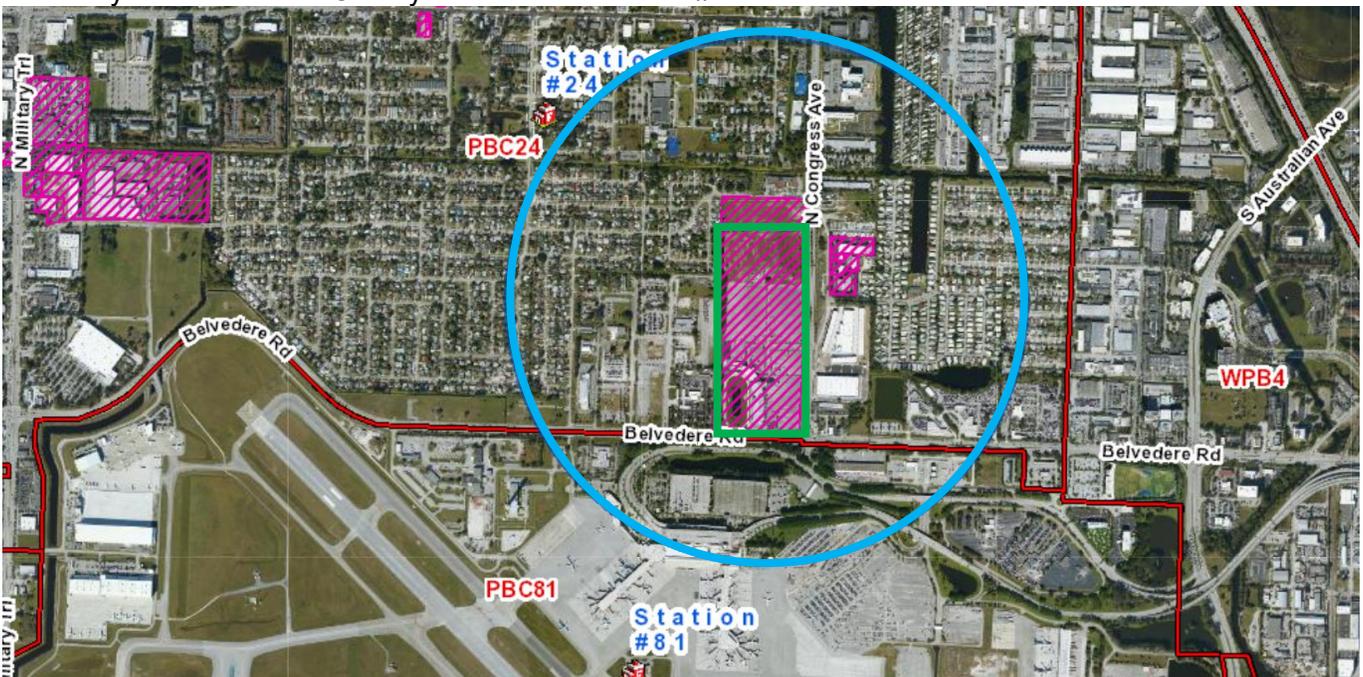
The Preliminary Site Plan (dated February 2025) shows one (1) 10' by 15' public school bus shelter location. A bus shelter condition of approval has been applied to this request.

Staff has included Conditions of Approval for construction of school bus shelter, school assignment notification and contribution of funds to the School Board. There are 22 public school bus stops within a 1/2 mile of the subject development. Any additional, new or revised stops will be determined by the District.



**FIRE PROTECTION:**

Fire Rescue Review Staff were provided with this application for review. They provided comments throughout the review that were addressed by the Applicant. The development is within the service boundary of Palm Beach County Fire Rescue Station #24.



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

The Applicant’s Justification Statement indicates the following justification for their changed conditions of circumstances for the Rezoning: *“There are changed conditions or circumstances that necessitate the Rezoning. The overall 47+ acre property was recently subdivided via a recorded plat waiver to create the separate 5.0-acre parcel to the north and the development order approved for the Kennel Club to relocate its facilities to that parcel. While the first step in redevelopment will be the 16.05 residential component proposed here, the relocation of the Club allows for future redevelopment of the remainder of the property with a mix of residential and non-residential uses to create the urban redevelopment envisioned for the WCRA. This is a changed circumstance that warrants the rezoning”*

The Applicant’s Justification Statement indicates the following justification for their changed conditions of circumstances for the Class A Conditional Use: : *“There are changed conditions or circumstances that necessitate the use of the Density Bonus Pool units. As Palm Beach County has recently become a location attracting major business relocations, and the impact of the lack of available land for infill and redevelopment purposes, the costs of development as also increased. Likewise, the lack of affordable housing and the need to address the increase in population as a result of the attractiveness of the area are also changed conditions. The allowance for the increase in density, which is envisioned within the WCRAO, will allow for a feasible and sustainable redevelopment on the property.”*

## Exhibit B.2 - Standards Analysis & Findings

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### Development Order Abandonment

When considering an ABN application, the BCC and ZC shall consider the Standards indicated below

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

The proposed Development Order Abandonment is consistent with the Goals, Objectives, and Policies of the Comprehensive Plan. The abandonment facilitates the removal of entitlements that no longer reflect the intended redevelopment vision for the site. As outlined in the all-inclusive analysis under Standard a. for the Official Zoning Map Amendment, the proposed rezoning and Conditional Use requests support a development that aligns with the County's long-range planning framework.

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

The proposed Development Order Abandonment is not in conflict with any provisions of the Unified Land Development Code (ULDC), nor does it result in the creation of any new non-conformities. The northern portion of the site (phase 1) currently exists as a vacant portion of the parcel with no active entitlements or built improvements. This site condition allows for open development consistent with current zoning and land use regulations, and supports the proposed redevelopment under the WCRAO and MUPD frameworks

**c. Adequate Public Facilities** – *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 Development Order Abandonment is intended to facilitate the redevelopment of the northern portion of the site (Phase 1) with a multifamily residential development. By removing the prior Special Exception for an Open-Air Flea Market, the abandonment clears entitlements that are no longer consistent with the site's redevelopment vision. This action enables the implementation of a project aligned with the goals of the Westgate Community Redevelopment Area Overlay (WCRAO) and the County's Comprehensive Plan.

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

The change in site conditions comes from the proposed 405 residential development, in order to provide the proposed housing an abandonment of the special exception for the northern portion of the site is needed. However the Applicant has failed to address this within the Justification Statement.

## Exhibit B.3 - Standards Analysis & Findings

### Type 2 Variance – Concurrent

Variance No.	Code Section	Required	Proposed	Variance
1	Table 3.B.14.F. WCRAO Non-Residential & Mixed-Use Sub-Area PDR's	Plaza and Squares Max. depth of 25 feet	Max. depth of 74'	49'
2.a.	Table 3.B.14.F. WCRAO Non-Residential & Mixed-Use Sub-Area PDR's	10-25 feet Build-To-Line Congress Avenue for Residential Component	36' Build-To-Line for Building 1	+11' Build-To-Line for Building 1
2.b.			103' Build-To-Line for Building 2	+78' Build-To-Line for Building 2
2.c.			36 feet Build-To-Line for Building 3	+11 feet Build-To-Line for Building 3

At the September 4, 2025 ZC Hearing, the above variances were approved subject to the Conditions of Approval as indicated in Exhibit C-3

**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:

**V1:** *A special circumstance exists where the requirement of the ULDC to provide for 5% usable public open space for MUPD's for residential/non-residential developments wherein other purely residential development already constructed in the corridor were not subject to this MUPD requirement. The special circumstance includes the fact that the residential portion being proposed is in conjunction with the allowance for the existing kennel club use to continue at this time with minimal revisions to their existing site conditions. Typically, the public open space component would be located between the residential and non-residential uses within a horizontally integrated use MUPD.*

*In this case, in order to comply with the requirement as part of the first phase of development (until the Kennel Club is relocated), it necessitates that the public open space be sited towards the public realm, being the street, while keeping in mind the more private spaces associated with the residential units themselves. This adds to the need to increase the size of the plaza to comply with this code requirement. The fact that the Kennel Club must remain until such time as it is relocated is a special circumstance as well. That results in the open space positioned such that it has the least impact on the privacy of the residential units, but provides for the public open space closer to the right of way and pedestrians who may want to utilize the area. This is a special circumstance that is peculiar to the residential component of a mixed use MUPD that is not applicable to other MUPD's in the County.*

**V2.a. & V2.c:** *Two special conditions exist in regard to these requested variances. Both are impacted by the non-consistent property line along Congress Avenue, as well as the requirement to dedicate a right turn lane into the property, that would prohibit a consistent building placement along the project frontage should the Build To Line requirements attempted to meet code. Additionally, on V2.c. the existing of the 15' water main easement results in the typical 10' U.E. being placed to the west of this easement, requiring Building 3 to increase the setback from Congress Avenue. These two variances allows for Buildings 1 & 3 to provide for a consistent setback from the property line and for the buildings to not be 'skewed' in placement from the right of way.*

**V2.b:** *As mentioned, the circumstance in regard to providing open space for the MUPD and the goal of providing area along the frontage has resulted in the proposal for the oversized plaza area along the right of way frontage. This, in turn, results in the necessity, per Staff direction, to request the variance for the Build To Line for this building rather than the utilization of the DRO allowance previously proposed. This is a special circumstance not applicable to other residential developments not approved as a PDD.*

#### Staff's Response:

Yes, 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 WCRAO.

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

**Applicant's Response:**

*V1 & V2a - c: These special circumstance and conditions are not a result of the action of the Applicant, but of the MUPD requirement for usable public open space across the board in the county, not taking into account the form-based code within the WCRAO and the existing and required future configuration of the property line, as well as the existing PBCWUD 15' easement. The Kennel Club will continue to operate at the current location as depicted on the plan until it is relocated. Any proposal to include any usable open space on that property, rather than the Phase 1 residential component is not feasible as it would eventually be demolished to allow for redevelopment of that land area. The requirement to provide the open space on the residential component necessitates that it be provided to the maximum extent possible along the public realm along Congress Avenue to provide a more secure environment for the residents. Allowing for the increased depth of the plaza furthers this goal and in turn requires the variance for the Building 2 Build To Line. MUPD's outside of the WCRAO that are not limited to accommodating existing uses such as the Kennel Club have more flexibility in regard to locating the public open space outside of the residential area of the MUPD. Likewise, the configuration of the property line and the existing easement are unique conditions that necessitate the Build To Line variances.*

**Staff's Response: YES.**

The special circumstances are not as a result of the MUPD, Zoning District alone, but as a result of a combination of both the MUPD regulations and the Westgate Overlay Requirements. The necessity for the requested variances does not arise from any actions taken by the Applicant. The Open Space Requirements of the MUPD standards is to be located between the Non-residential uses and Residential Uses. The Applicant is putting Useable open spaces along the Congress Avenue Right-Of-Way, in order to comply with the Westgate Overlay requirements for the density bonus, providing an immediate amenity for the residential use. The non-residential use of the Kennel Club is remaining, until such time it relocates to its new location north of this development. It was discussed with the Applicant that they intent to redevelop the southern portion of the site with more residential and non-residential uses, however that plan is not finalized at this time. When and if the southern portion of the site is redeveloped Useable Open space for that portion will be reviewed for compliance with the ULDC. In addition, placement of the three buildings along Congress Ave, are to accommodate a slight curving alignment of the road, in addition to the turn lane, utility easements and placement of open spaces and plazas for compliance with the Westgate Regulations and the density proposed for the development.

**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:**

*V1 & V2a - c: The granting of the variances will not confer any special privilege as all variances are permitted to be requested by other parcels within the MUPD district, but based upon the unique circumstance associated with the request.*

**Staff's Response:**

Granting the Variances does not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land. The proposed application is part of a larger phased development. The requirements of the MUPD and the Westgate Overlay are being met in this first phase, by providing Useable Open Space directly for the Residents. When the redevelopment of the southern portion of the site is submitted, and if non-residential uses are part of that proposals, the MUPD Useable Open Space Requirements will be reviewed for compliance for its location. Placement of the buildings does not confer a special privilege denied by the Plan or Code, as it is accommodating the allowable request for density at this location, and the requirements for infrastructure relating to compliance with Adequate Public Facilities. In addition, the site is located within a Redevelopment Area of the County encouraging infill and increased density where the highest public services are located.

**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:**

*V1: The literal intent of the code is being met with the request as not only the code required usable public open space is being provided in an appropriate location to respect the privacy and security of residents of the development, but the provision of the pergola will serve to create a consistent visual build-to line with the proposed locations of Buildings 1 and 3.*

*V2.a & V2.c: The literal intent of the code is being met as, after accommodating the existing infrastructure in the WUD easement, and providing for consistent building placement for Buildings 1 & 3, the code required buffer area is being provided.*

**V2.b:** *The literal intent of the code is being met with enhanced open space via the plaza to the east of Building 2 and the provision for the code required buffer.*

**Staff's Response: YES.**

Literal interpretation and enforcement of the provisions of the Code would deprive the Applicant of rights commonly enjoyed by other parcels within the same zoning district. The unique requirements for both the MUPD and Westgate Overlay prevent full compliance with Code requirements. This is a proposed phase development, when and if non-residential is proposed for redevelopment on the southern portion of the site Open Space will be reviewed for its additional location requirements. Placement of the three buildings along Congress Ave, are to accommodate an slight curving alignment of the road, in addition to the turn lane, utility easements and placement of open spaces and plazas for compliance with the Westgate Regulations and the density proposed for the development.

**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:**

**V1:** *The variance is the minimum necessary in order to provide for an innovative design that provides for the MUPD required amount of public open space, while respecting the future residents' privacy and sense of security.*

**V2.a & V2.c:** *The variances are the minimum necessary to accommodate the existing utility easement and installed infrastructure and address the 'uneven' property line along Congress Avenue, while maintaining consistent building placement along the right of way line for these buildings*

**V2.b:** *The variance is the minimum necessary to provide for the desired open space associated with the plaza along the Congress streetscape, while also providing for a code compliant buffer.*

**Staff's Response:**

The requested variances represent the minimum relief necessary to enable reasonable use of the subject parcel for the proposed multifamily development.

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

**Applicant Response:**

**V1 & V2.a – V2.c:** *The requests are not inconsistent with the goals, objectives and policies of the Plan and the Code. The implementation in the code of creating sufficient public open space for mixed MUPD's is still being met, while the provision of the pergola provides for the visual aspect of the build-to line along Congress Avenue to be created and the code buffer is still provided.*

**Staff's Response:**

The proposed Phase 1 Multifamily development and associated variances are consistent with the purposes, Goals, Objectives, and Policies of the Comprehensive Plan and the Unified Land Development Code (ULDC).

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

**Applicant's Response:**

**V1 & V2.a – V2.c:** *The granting of the variance will not be injurious to the area or detrimental to the public welfare. The provision of the oversized plaza to comply with the public open space aids in creating the urban streetscape and the residents of the development have additional open space and recreational amenities as proposed. The Build to Line relief allows for existing utility infrastructure to remain in place and building placement for Buildings 1 & 3 allows for a more consistent streetscape, while the plaza improvements provide for a focal point along the right of way with the pergola. Again, the buffer requirements are also still met.*

**Staff's Response: YES.**

Granting the requested variances will not be injurious to the area involved or otherwise detrimental to the public welfare. The scope of each variance request involves increased setbacks and the expansion of public amenities, which serve to enhance the pedestrian experience, improve site aesthetics, and promote compatibility with surrounding development. These design elements contribute positively to the character of the area and align with the goals of the Comprehensive Plan and the ULDC. As such, the proposed variances support public welfare and do not pose adverse impacts to adjacent properties or community interests.

## Exhibit C-1 - Conditions of Approval

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### PDD- Residential Planned Development District

#### ALL PETITIONS

1. The Proposed Preliminary Site Plan is dated June 23, 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)

#### ENGINEERING

1. Pursuant to the Traffic Analysis dated July 9, 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 or within ninety (90) days of a request by the County Engineer, whichever occur first, the Property Owner shall provide to Palm Beach County Right of Way Section of Roadway Production Division by warranty deed additional right of way for the construction of a right turn lane on Congress Avenue at the north entrance. This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet, or as approved by the County Engineer. The right of way shall continue across the project entrance. This additional right of way shall be free of all encumbrances and encroachments and shall include Corner Clips where appropriate, as determined by the County Engineer. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the cleanup. The Property Owner shall not record the required right of way or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMT/ONGOING: MONITORING - Engineering)

3. Prior to the issuance of the first Building Permit, the Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for road right of way and all associated documents as required by the County Engineer for Congress Avenue, 60 feet measured from centerline of the proposed right of way on an alignment approved by the County Engineer, adjacent to the residential portion of the project.

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the cleanup. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. The Property Owner shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMT: MONITORING - Engineering)

4. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for road right of way and all associated documents as required by the County Engineer for Belvedere Road, 55 feet measured from centerline of the proposed right of way on an alignment approved by the County Engineer.

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to the issuance of the first building permit outside of the residential parcel. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean-up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. The Property Owner shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM: MONITORING - Engineering)

5. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for road right-of-way and all associated documents as required by the County Engineer for Congress Avenue, 60 feet, measured from centerline of the proposed right of way on an alignment approved by the County Engineer for the portions of Congress Avenue not included in Engineering Condition 3.

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to the issuance of the first building permit outside of the residential parcel. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean-up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. The Property Owner shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM: MONITORING - Engineering)

6. The Property Owner shall i) either extend existing left turn lane west approach on Belvedere Rd at Congress Ave to 800 feet of storage and 50 feet of taper, or construct an additional left turn lane to County standards with associated signal modifications at the intersection, as approved by the County Engineer ii) modify left turn lane taper north approach on Congress Ave at Belvedere Rd to extend the storage for north approach left turn lane as approved by the County Engineer iii) extend left turn lane south approach on Congress Ave at northern most project entrance to County standards of 280 feet storage and 50 feet taper or as approved by the County Engineer iv) modify right turn lane north approach on Congress Ave at project's northern most entrance to County standards of 280 feet in storage and 50 feet in taper or as approved by the County Engineer. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering)

7. Prior to the issuance of the first building permit, the Property Owner shall abandon or release and relocate the existing 40-foot drainage easement recorded in ORB 6085 PG143 adjacent to the west and north property lines. This condition can be deemed satisfied should the site be redesigned to not modify the ditch. (BLDGPM: MONITORING - Engineering)

8. 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. (BLDGPM: MONITORING - Engineering)

9. Prior to the issuance of the first building permit, a Removal Agreement shall be filed with Land Development for the proposed 8 ft multi-use trail that overlaps the 30 ft drainage easement. That pathway shall be constructed of easily removable materials such as paver bricks; concrete or asphalt will not be permitted. (BLDGPM: MONITORING - Engineering)

### **LANDSCAPE**

1. The 0.80 acre Useable Open space shall be upgraded to include a minimum of 28 canopy trees and 22 palm or pine trees. (BLDGPM/DRO: ZONING - Zoning)

### **LANDSCAPE – PERIMETER**

1. The landscape buffer along the north property line shall be a minimum 16 feet in width, and shall include and shall include the required Type 2 Incompatible Buffer per ULDC Art. 7 with a 6-foot high wall (BLDGPM/DRO: ZONING - Zoning)

2. The landscape buffer along the west property line shall be a minimum 21 feet in width, and shall include and shall include the required Type 3 Incompatible Buffer per ULDC Art. 7. (BLDGPM/DRO: ZONING - Zoning)

### **SCHOOL BOARD**

1. The Property Owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

#### **"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"**

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. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD - School Board)

2. Prior to the issuance of the first Certificate of Occupancy (CO), a 10' by 15' school bus shelter shall be constructed by the Property Owner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter shall be the responsibility of the residential Property Owner. (BLDGPM/CO/ONGOING: SCHOOL BOARD - School Board)

### **UTILITIES**

1. Prior to final approval by the Development Review Officer, the Applicant will be required to provide a final Concurrency Reservation from PBCWUD. Prior to the issuance of any building permits, the Property Owner must obtain the applicable approval and permits from PBCWUD. (DRO: PBC WATER UTILITIES - PBC Water Utilities)

2. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the Developer/Property Owner shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING-UTILITIES-WUD) (BLDGPM/DRO/ONGOING: PBC WATER UTILITIES - PBC Water Utilities)

### **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-2 Conditions of Approval

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### Class A Conditional Use - Density Bonus

#### ALL PETITIONS

1. The proposed Preliminary Site Plan is dated June 23, 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)

#### PLANNING

1. The subject request for 405 units with an 81-unit Workforce Housing Program (WHP) obligation was calculated based on the base FLUA Land use (80 units) and the utilization of 325 units from the WCRA Density Bonus Pool. The WHP obligation is 20% with the WHP units to be rental and will be provided onsite. (ONGOING: PLANNING - Planning)

2. Per the Palm Beach County WHP letter dated May 22, 2025, the distribution of the 81 required WHP units are as follows: 40 provided in the Low Category and, 41 provided in the Moderate 1 category. (ONGOING: PLANNING - Planning)

3. The developer shall notify the Westgate CRA, the Planning Division and the Department of Housing and Economic Development (DHED) at the commencement of leasing. (ONGOING: PLANNING - Planning)

4. 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. (BLDGPM: MONITORING - Planning)

5. 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. (BLDGPM: MONITORING - Planning)

6. Prior to the issuance of fifty percent of the Residential Building Permits (203 units), fifty percent of the WHP units (41 units) must receive Certificates of Occupancy (CO). (BLDGPM: MONITORING - Planning)

7. Prior to the issuance of eighty-five percent of the residential Building Permits (344 units), all WHP units (81) must receive Certificate of Occupancy (CO). (BLDGPM: MONITORING - Planning)

8. Should more than 50% of the Residential Building Permits be issued simultaneously, then the initial Certificates of Occupancy (CO) that are released shall be attributable to the WHP obligation. (ONGOING: PLANNING - Planning)

#### 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**

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**Type 2 Variance - Concurrent**

**ALL PETITIONS**

1. This Variance is approved based on the layout as shown in Phase 1 of the Proposed Preliminary Site Plan dated June 23, 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 Zoning Commission. (ONGOING: ZONING - Zoning)

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. (BLDGPM: BUILDING DIVISION - Zoning)

3. The Development Order for this Concurrent Type 2 Variance shall be tied to the Time Limitations of the Development Order for ABN/ZV/PDD/CA-2025-00406. The Property Owner shall secure a Building Permit or Commencement of Development to vest this Variance. (ONGOING: MONITORING - Zoning)

**SITE DESIGN**

1. Prior to the issuance of the Certificate of Occupancy of Buildings 1 and 2 the plaza shall be constructed with all amenities. (BLDGPM: 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

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### PROJECT HISTORY:

Application No.	Title & Request	Resolution	Decision	Approval Date
SE-1983-00050	<b>Title:</b> Special Exception <b>Request:</b> to allow a Special Exception for an Open Air Flea Market	R-1983-00803	Adopted	July 19, 1983

## Exhibit E-1 - Preliminary Site Plan

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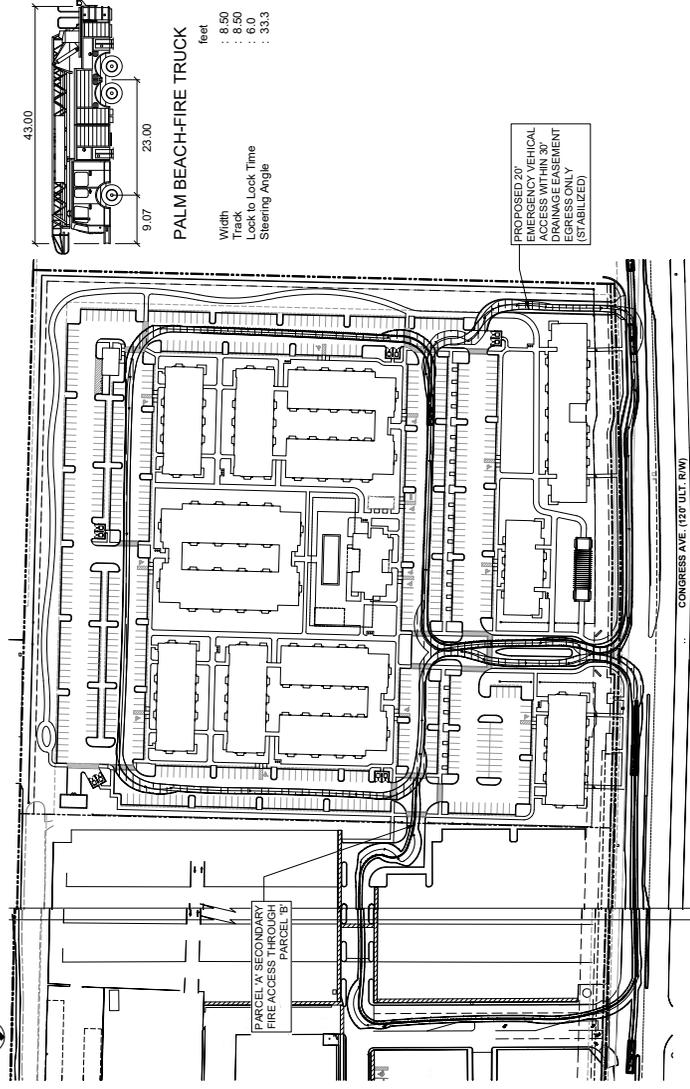
## Exhibit E-2 - Preliminary Regulating Plan

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PARCEL 'A' TRUCK MANEUVER DIAGRAM - EMERGENCY VEHICLE

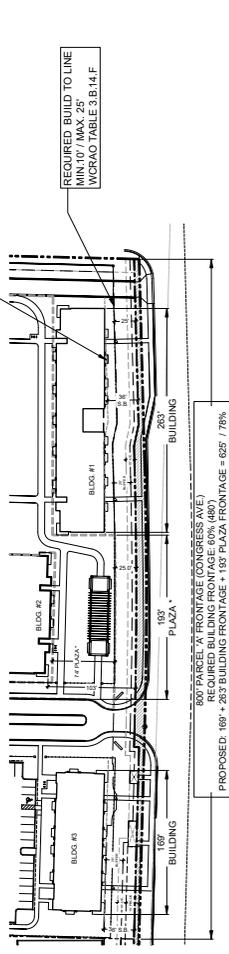
SCALE: 1" = 100'-0"



WCRAO BUILDING FRONTAGE & BUILD-TO-LINE DIAGRAM

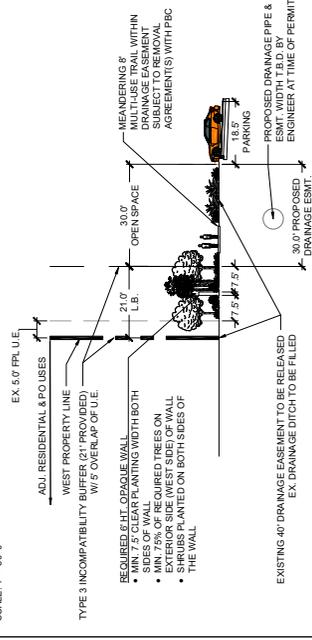
SCALE: 1" = 100'-0"

1' PLAZA PER WCRAO TABLE 3.B.14.F - BUILD-TO-LINE EXCEPTION  
193' PLAZA FRONTAGE = 30% OF PROPOSED BUILDING FRONTAGE (UP TO 50% PERMITTED)  
PLAZA DEPTH SUBJECT OF VARIANCE (W/ 1. MAX. 25' DEPTH PERMITTED / 74' DEPTH PROPOSED)

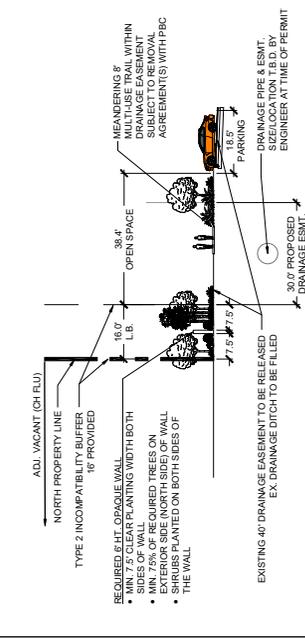


PARCEL 'A' PERIMETER BUFFER DETAILS

SCALE: 1" = 50'-0"



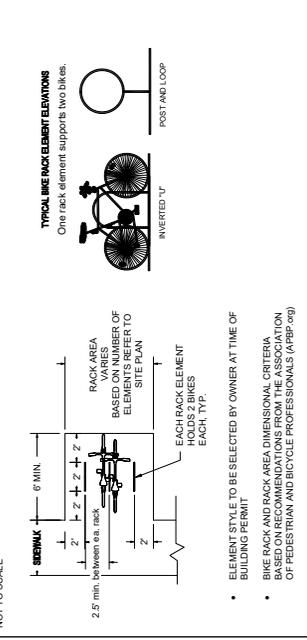
TYPE 3 INCOMPATIBILITY BUFFER (WEST PROPERTY LINE) - 21' PROVIDED



TYPE 2 INCOMPATIBILITY BUFFER (NORTH PROPERTY LINE) - 16' PROVIDED

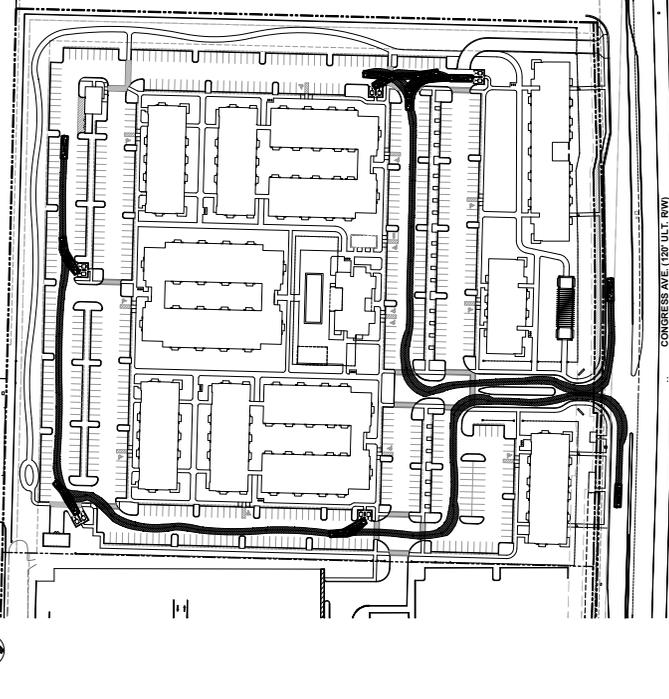
BIKE PARKING DETAIL

NOT TO SCALE



PARCEL 'A' TRUCK MANEUVER DIAGRAM - GARBAGE TRUCK (FRONT LOAD)

SCALE: 1" = 100'-0"



**SITE DATA**  
SUBMITTER NAME: WESTGATE VILLAGE MUPD  
CONTROL NO.: 8552  
APPLICATION NO.: ABN2/VPDCA-2025-00406

**PBC Zoning Stamp:**

DATE: February 2025  
Project No.: 21-065.007  
Designed By: MLC  
Drawn By: JJB  
Checked By: JJB

**Revision Dates:**  
2023.02.28: WESTGATE SUBMITTER  
2023.03.28: WESTGATE SUBMITTER  
2023.04.28: WESTGATE SUBMITTER  
2023.08.27: ZONING REGULATING PLAN  
2023.08.27: ZONING REGULATING PLAN

**PBC Amendments:**

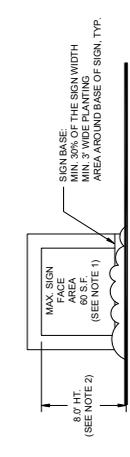
## Exhibit E-3 - Preliminary Master Sign Plan

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**ENTRANCE SIGNS 'E'**

**ALLOWANCE (PER ART. 6.0.2.1)**  
 MAXIMUM NUMBER OF SIGNS:  
 2 PER ENTRANCE  
 60 S.F. (SEE NOTE 1)  
 MAX. SIGN FACE AREA:  
 24" FROM SURFACE WALL  
 ATTACHED TO A WALL, FENCE, OR PROJECT IDENTIFICATION FEATURE  
 MAX. PROJECTION:  
 12" FROM SURFACE  
 LOCATION:  
 LIMITED TO NAME AND ADDRESS OF THE DEVELOPMENT  
 SIGN COPY & GRAPHICS:  
 SIGN COPY & GRAPHICS

**NOTES:**  
 1) ADDITIONAL RESIDENTIAL SIGN FACE AREA OPTION: IF A DECORATIVE BACKGROUND ELEMENT SUCH AS TILE, STUCCO, OR OTHER BUILDING MATERIAL OR COLOR IS USED, THE MAXIMUM SIGN FACE AREA FOR EACH DECORATIVE TREATMENT MAY BE EXPANDED 24 INCHES MEASURED FROM THE SIGN FACE AREA IN EACH CARDINAL DIRECTION.  
 2) ADDITIONAL RESIDENTIAL HEIGHT OPTION: THE MAXIMUM SIGN HEIGHT, EXCLUDING THE HEIGHT OF THE STRUCTURE TO WHICH THE SIGN IS ATTACHED, MAY BE INCREASED UP TO TEN FEET FOR A SIGN GREATER THAN 10 FEET.  
 3) SUBJECT TO A 25-FOOT SETBACK OR THE DISTRICT SETBACK, WHICHEVER IS GREATER.



**FREESTANDING SIGNS 'F'**

**ALLOWANCE (PER ART. 6.0.2.1)**  
 MAXIMUM NUMBER OF SIGNS:  
 3 PER FRONTAGE BELVEDERE RD. - 0 SIGNS  
 2 PER SIDE OF EACH SIDE (DOUBLE FASER SIGN)  
 15 MAX. (FASER) FOR 11' RW WIDTH  
 MAX. SIGN FACE AREA:  
 150 S.F.  
 HEIGHT:  
 15' MIN. TO 5' S.B. FROM ADJ. RESIDENTIAL ZONING  
 15' MAX. (FASER) FOR 11' RW WIDTH  
 SETBACK FROM R.O.W. FROM ADJ. RESIDENTIAL ZONING  
 MIN. 7.5 S.B. FROM SIGNS ON ADJ. PARCELS  
 SIGN SEPARATION:  
 MIN. 50' SEPARATION WITHIN SAME PROJECT  
 SIGN DESIGN SHALL BE CONSISTENT WITH THE STYLE, DETAILING AND COLORS OF THE ARCHITECTURAL DESIGN OF THE PROJECT

**NOTES:**  
 1) MAX. SIGN FACE AREA PER FACE  
 200 S.F.  
 15.0' MAX. HT.  
 SIGN BASE AREA  
 MIN. 3" WIDE PLANTING  
 AREA AROUND BASE OF SIGN, TYP.



FRONTAGE	CODE ALLOWANCE	PROPOSED
CONGRESS AVE.	MAX. 3 SIGNS 1 SF SIGN AREA / L.F. = MAX. 2,000 SF (MAX. 200 SF PER EA. SIGN)	SIGN F1* - EXISTING NON-CONFORMING SIGN F2* - EXISTING NON-CONFORMING
BELVEDERE RD.	MAX. 3 SIGNS 1 SF SIGN AREA / L.F. = MAX. 836 SF (MAX. 200 SF PER EA. SIGN)	NO EXISTING OR PROPOSED SIGNS

**Westgate Village MUPD**  
 Preliminary Master Sign Plan  
 Palm Beach County, Florida

**SITE DATA**  
 APPLICATION NAME: WESTGATE VILLAGE MUPD  
 MAP SHEET NO.: 0001  
 APPLICATION NO.: ASNZ/PPD/CA-2025-0046

**PBC Zoning Stamp:**

**PBC Amendments:**

**DATE:** February 2025  
**Project No.:** 21-085.007  
**Designed By:** MLC  
**Drawn By:** MLC  
**Checked By:** JB

**Revision Dates:**  
 2025.02.25: Initial Design  
 2025.03.10: Zoning  
 2025.03.10: Signage  
 2025.02.25: Zoning Resolution #1  
 2025.02.25: Zoning Resolution #2  
 2025.02.25: Zoning Resolution #3



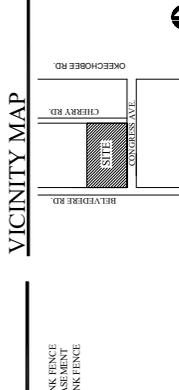
## Exhibit E-4 - Previously Approved Site Plan

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- NOTES**
- 10% VARIANCE PERMITTED FOR NON-CONFORMING USES INCLUDING CONCURRENTLY ARE MET.
  - SIGNATURE ONLY APPROVAL DATED 12/21/1999 APPROVED 4% EXPANSION OF NON-CONFORMING USE.
  - 5,667 S.F. APPROVED EXPANSION WAS NOT UTILIZED. THEREFORE MAINTAINING A 13,545 S.F. BALANCE.
  - PERMIT APPROVAL SCHEDULE.
  - 11,453 S.F. PERMITTED EXPANSION REMAINS.

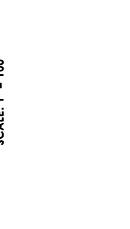
- LEGEND**
- 4" LIGHT PIPE - CHAIN-LINK FENCE
  - 4" UTILITY-EASEMENT
  - CLF - CHAIN-LINK FENCE
- OUTDOOR ENTERTAINMENT PARKING IS BASED ON NUMBER OF SEATS.
  - CHUBBLER EQUIPMENT IS BOUND BY A 12" H.T. CHAIN-LINK FENCE AND IS PARTIALLY COVERED WITH A CANOPY.
  - AS SHOWN ON THE SITE PLAN, A 3" HEDGE AND 2" BLACK CHAIN-LINK FENCE DROP-OFF AREA FROM THE CURBED AND PAVED DRIVE AND SIDEWALK.
  - LANDSCAPING SHALL NOT INTERFERE WITH SAFE SIGHT CORNERS.
  - MEETING REQUIRED WITH BLDG. AND FIRE PRIOR TO BUILDING PERMIT SUBMITTAL.

**VICINITY MAP**



**SITE DATA: ENTIRE PROPERTY**

SECTION NO. 83,490  
 PROJECT NAME PALM BEACH KENNEL CLUB  
 PROJECT NUMBER 9999-000  
 TYPE OF TRACT DOG TRACK OFFICES  
 PROPOSED USES TYPE 2 KENNEL/DOG DAYCARE  
 FUTURE LAND USE DESIGNATION CGR1  
 ZONING DESIGNATION CGR1  
 SECTION, TOWNSHIP, RANGE 30-43-43  
 PARCEL CONTROL NUMBER 06-44-43-30-000-5199  
 TRAFFIC ANALYSIS ZONE: 06-44-43-30-000-686-214  
 TOTAL BUILDING SF. 47,046 AC.  
 TOTAL GROSS SITE AREA 133,272 SF.  
 FINISHED GRADE ELEVATION 93.46 FT.  
 MAIN BUILDING (2 STORY) 11,453 SF.  
 TYPE 2 KENNEL/DOG DAYCARE (2 STORY) 93,546 SF.  
 ACCESSORY USE 5,999 SF.  
 STORAGE BUILDING #1 88 SF.  
 STORAGE BUILDING #2 294 SF.  
 STORAGE BUILDING #3 294 SF.  
 STORAGE BUILDING #4 640 SF.  
 STORAGE BUILDING #5 2,408 SF.  
 STORAGE BUILDING #6 2,408 SF.  
 TEMPORARY STORAGE BUILDING 1,000 SF.  
 TOTE BOARD BUILDING (132,073 SQ. FT.) 4 IN.  
 BUILDING HEIGHT 35' MAX  
 NO. OF STORIES/FLOORS 2 STORIES  
 TOTAL PARKING REQUIRED 1213 SP.  
 NO. OF STORIES/FLOORS 5 SP.  
 TYPE 2 KENNEL/DOG DAYCARE (234 SEATS X 1/3 SEATS) 391 SP.  
 ARENA (173 SEATS X 1/3 SEATS) 102 SP.  
 INDOOR ENTERTAINMENT (29,448 S.F. X 1,200 S.F.) 199 SP.  
 INDOOR ENTERTAINMENT (9,888 S.F. X 1,200 S.F.) 6 SP.  
 INDOOR ENTERTAINMENT (1,929 S.F. X 1,250 S.F.) 22 SP.  
 HANDICAP PARKING REQUIRED (98 SP. PLUS 1 SP. PER 100 SP. OVER 100 SP. OF REQUIRED PARKING) 28 SP.  
 HANDICAP PARKING PROVIDED 28 SP.  
 TOTAL PARKING PROVIDED 1,994 SP.  
 EMPLOYEE PARKING 144 SP.  
 HANDICAP SPACES 28 SP.  
 TERRACE VALET LOT 333 SP.  
 EMPLOYEE PARKING 144 SP.  
 HANDICAP SPACES 28 SP.  
 PADDOCK VALET LOT 79 SP.  
 EMPLOYEE LOT NORTH 46 SP.  
 DOGMAENS LOT 29 SP.  
 FREE LOT WEST 288 SP.  
 FREE LOT EAST 288 SP.  
 FREE LOT CENTRAL 287 SP.



**REVISIONS**

NO.	DATE	DESCRIPTION
1	3/16/2021	ZAR
2	3-2-2021	DATE
		CHECK BY
		DRWN BY
		R.C.
		JOB NO. 6144.00
		PREPARED FOR PALM BEACH KENNEL CLUB
		DBA PALM BEACH KENNEL CLUB
		FINAL SITE PLAN

**CD R-1983-0050 PERMITS**

**ZONING STAMPS**

PROJECT #: 09999-000  
 CONTROL #: 1983-0050  
 APPLICATION #:  
 DRC-1983-00050  
 RESOLUTION #: R-1983-0803  
 EXHIBIT # 21  
 SUPERSEDED # 20  
 APPROVAL DATE: 12/21/1999  
 PROJECT MANAGER:

**AMENDMENTS**

ZAR 2021-0651 06/09/2021 CS

**PREVIOUS DRO CONDITIONS OF APPROVAL**

1. PRIOR TO ISSUANCE OF A BUILDING PERMIT, THE PETITIONER SHALL SUBMIT A PROPOSED CHAIN-LINK FENCE AND LIGHT ORWAY CURRENT TO WITHIN ONE YEAR ON THE BOUNDARY SURVEY. (BIDJG PERMIT; MONITORING-SURVEY)

**NEW DRO CONDITIONS OF APPROVAL**

2. PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE COST OF TRANSFER OR RELOCATION OF LANDSCAPING ELEMENTS AND THE COST OF THE PROJECT'S PLANNED WIDENING OF CONGRESS AVENUE NECESSITATES THE RELOCATION OF SUCH SIGNAGE. (ENG; LAND DEV.)

**VARIANCE APPROVAL (MAY 20, 2004)**

APPROVAL	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
BA-2004-00210	1.8.11 SUPPLEMENTARY STANDARDS ACCESSORY AND TEMPORARY USES, SATELLITE DISH ANTENNAS	NO SATELLITE IN FRONT YARD	TO ALLOW SATELLITE DISH IN FRONT YARD	TO ALLOW SATELLITE DISH IN FRONT YARD
ADDRESS OF PROPERTY	1111 N. CONGRESS AVE, WEST PALM BEACH, FL 33409			

**DEVELOPMENT ORDER**

THE DEVELOPMENT ORDER FOR PARTICULAR VARIANCE SHALL LAISESON 520/2005, ONE YEAR FROM THE APPROVAL DATE (DATE: MONITORING ZONING)

**ZONING CONDITIONS**

1. ZONING: THIS VARIANCE DOES NOT APPLY TO THE LAND AND IS ONLY EFFECTIVE AS LONG AS A PARAMOUNT FACILITY IS OPERATING ON THE PREMISES.

**FOR INTERSECTION IMPROVEMENTS**

SELF CONDITIONS 21,45

**HERTZ RENTAL**

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**Exhibit E-5 - Preliminary Architectural Elevations**

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**MATERIAL & FINISHES LEGEND**

A	WALL - SMOOTH STUCCO FINISH
B	WALL - SMOOTH STUCCO FINISH OVER CONCRETE BASE
C	ACCENT WALL - SMOOTH STUCCO FINISH
D	TOP FLOOR FINISHES
E	WALL - SMOOTH STUCCO FINISH
F	WALL - SMOOTH STUCCO FINISH

**ARTICLE 2, CHAPTER C - DESIGN STANDARDS COMPLIANCE - BUILDING TYPE III**

ELEMENT	REQUIREMENT	PROVIDED	REMARKS
H. GUIDELINES	1. ARCHITECTURAL QUALITY: The building shall be designed to meet the minimum standards for architectural quality as set forth in the code. The building shall be designed to meet the minimum standards for architectural quality as set forth in the code.	PROVIDED	PROVIDED
I. ACCESSIBILITY	1. ACCESSIBILITY: The building shall be designed to meet the minimum standards for accessibility as set forth in the code. The building shall be designed to meet the minimum standards for accessibility as set forth in the code.	PROVIDED	PROVIDED
J. ENERGY EFFICIENCY	1. ENERGY EFFICIENCY: The building shall be designed to meet the minimum standards for energy efficiency as set forth in the code. The building shall be designed to meet the minimum standards for energy efficiency as set forth in the code.	PROVIDED	PROVIDED
K. LIGHTING	1. LIGHTING: The building shall be designed to meet the minimum standards for lighting as set forth in the code. The building shall be designed to meet the minimum standards for lighting as set forth in the code.	PROVIDED	PROVIDED
L. SOUND	1. SOUND: The building shall be designed to meet the minimum standards for sound as set forth in the code. The building shall be designed to meet the minimum standards for sound as set forth in the code.	PROVIDED	PROVIDED
M. VENTILATION	1. VENTILATION: The building shall be designed to meet the minimum standards for ventilation as set forth in the code. The building shall be designed to meet the minimum standards for ventilation as set forth in the code.	PROVIDED	PROVIDED
N. FIRE PROTECTION	1. FIRE PROTECTION: The building shall be designed to meet the minimum standards for fire protection as set forth in the code. The building shall be designed to meet the minimum standards for fire protection as set forth in the code.	PROVIDED	PROVIDED
O. SAFETY	1. SAFETY: The building shall be designed to meet the minimum standards for safety as set forth in the code. The building shall be designed to meet the minimum standards for safety as set forth in the code.	PROVIDED	PROVIDED
P. MAINTENANCE	1. MAINTENANCE: The building shall be designed to meet the minimum standards for maintenance as set forth in the code. The building shall be designed to meet the minimum standards for maintenance as set forth in the code.	PROVIDED	PROVIDED

**OWNER:**  
**TERRA GROUP & FRISBE GROUP**

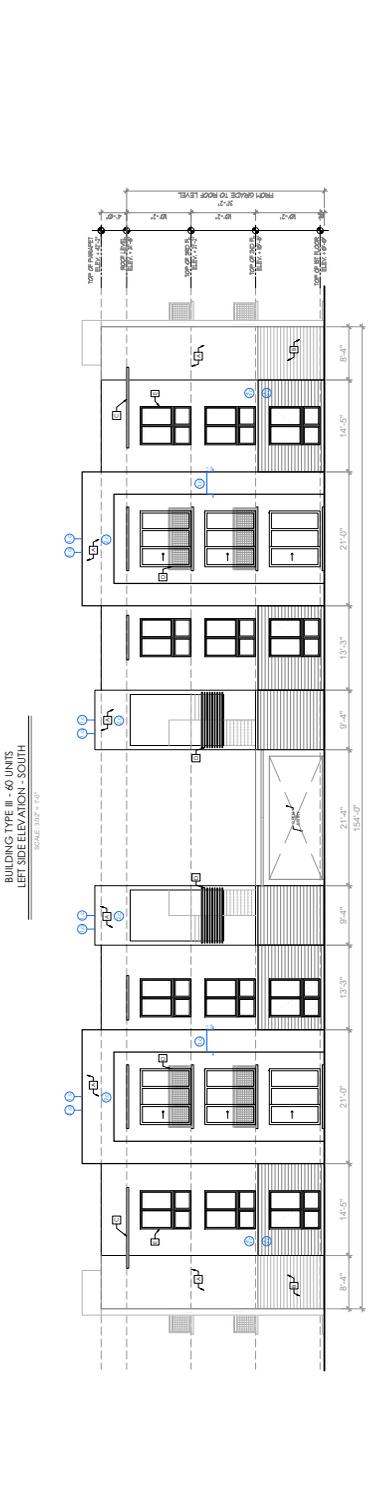
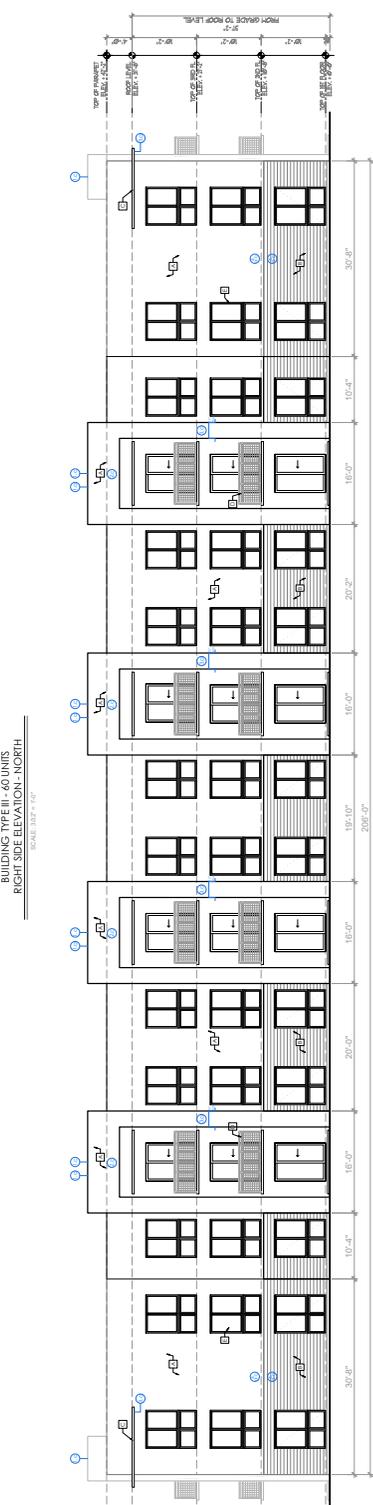
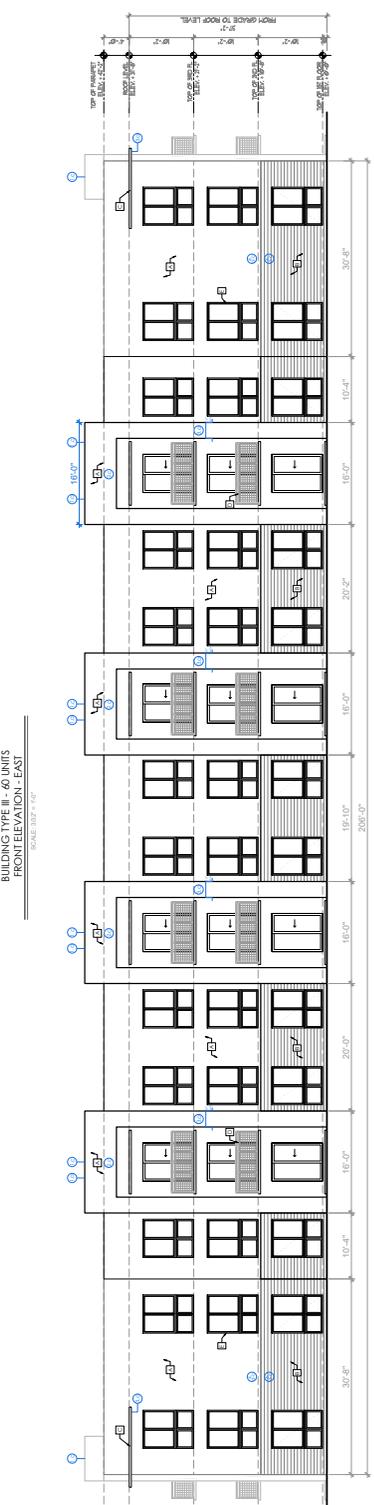
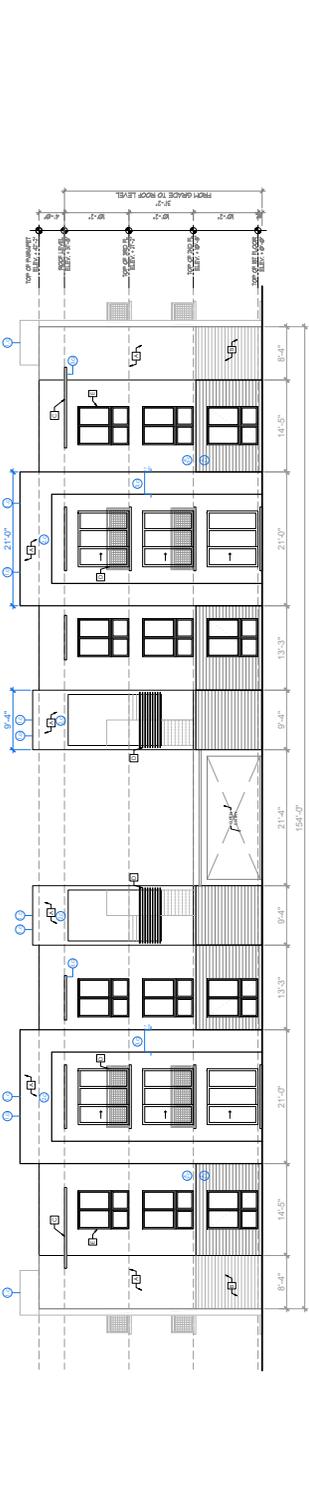
**WESTGATE VILLAGE MUPD**  
 BY  
**TERRA GROUP & FRISBE GROUP**  
 PALM BEACH COUNTY, FLORIDA

SEAL

**BUILDING TYPE III**

**ELEVATIONS**

DATE:	2025-03-19
SCALE:	AS SHOWN
DRAWN:	JC
CHECK BY:	PKS
JOB NO.:	24-42
SHEET NO.:	



**SITE DATA**  
 APPLICATION NAME: WESTGATE VILLAGE MUPD  
 CONTROL NO.: 88-000  
 APPLICATION NO.: ABN27/PD/C/A-2025-0066

**PBC AMENDMENTS:**

**PBC ZONING STAMP:**

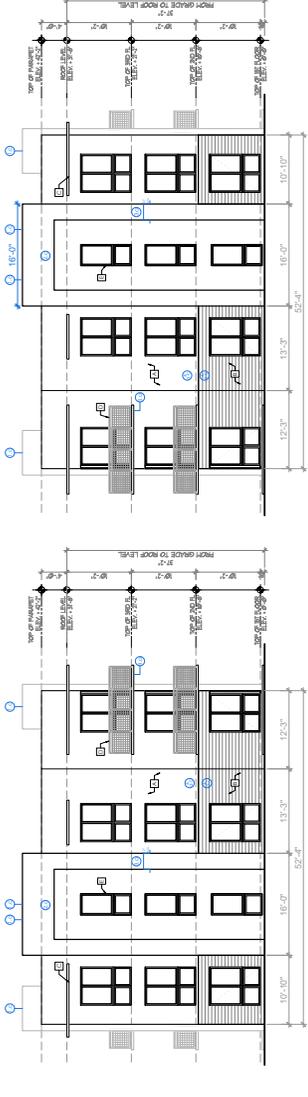
**ARTICLE 3 - WCDMA - ARCHITECTURAL GUIDELINES - BUILDING TYPE III**

ELEMENT	REQUIREMENT	PROVIDED	REMARKS
A. ARCHITECTURAL QUALITY	1. ARCHITECTURAL QUALITY: The building shall be designed to meet the minimum standards for architectural quality as set forth in the code. The building shall be designed to meet the minimum standards for architectural quality as set forth in the code.	PROVIDED	PROVIDED
B. ACCESSIBILITY	1. ACCESSIBILITY: The building shall be designed to meet the minimum standards for accessibility as set forth in the code. The building shall be designed to meet the minimum standards for accessibility as set forth in the code.	PROVIDED	PROVIDED
C. ENERGY EFFICIENCY	1. ENERGY EFFICIENCY: The building shall be designed to meet the minimum standards for energy efficiency as set forth in the code. The building shall be designed to meet the minimum standards for energy efficiency as set forth in the code.	PROVIDED	PROVIDED
D. LIGHTING	1. LIGHTING: The building shall be designed to meet the minimum standards for lighting as set forth in the code. The building shall be designed to meet the minimum standards for lighting as set forth in the code.	PROVIDED	PROVIDED
E. SOUND	1. SOUND: The building shall be designed to meet the minimum standards for sound as set forth in the code. The building shall be designed to meet the minimum standards for sound as set forth in the code.	PROVIDED	PROVIDED
F. VENTILATION	1. VENTILATION: The building shall be designed to meet the minimum standards for ventilation as set forth in the code. The building shall be designed to meet the minimum standards for ventilation as set forth in the code.	PROVIDED	PROVIDED
G. SAFETY	1. SAFETY: The building shall be designed to meet the minimum standards for safety as set forth in the code. The building shall be designed to meet the minimum standards for safety as set forth in the code.	PROVIDED	PROVIDED
H. MAINTENANCE	1. MAINTENANCE: The building shall be designed to meet the minimum standards for maintenance as set forth in the code. The building shall be designed to meet the minimum standards for maintenance as set forth in the code.	PROVIDED	PROVIDED

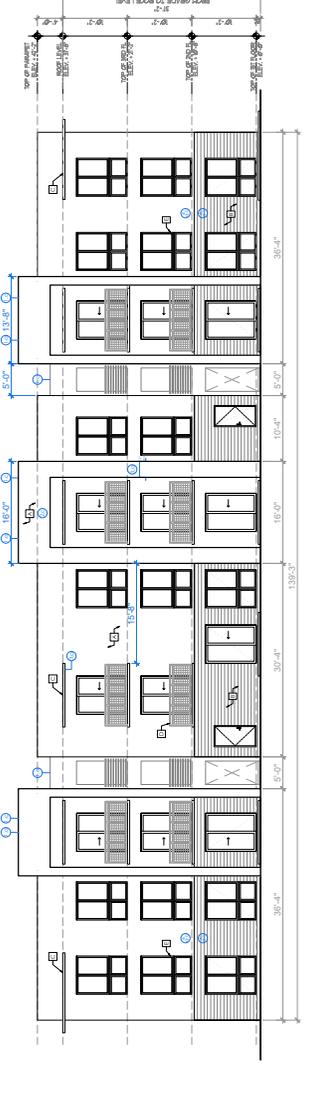




**BUILDING TYPE V - 24 UNITS**  
 RIGHT SIDE ELEVATION - EAST



**BUILDING TYPE V - 24 UNITS**  
 RIGHT SIDE ELEVATION - NORTH



**BUILDING TYPE V - 24 UNITS**  
 REAR ELEVATION - WEST

**SITE DATA**  
 APPLICATION NAME: WESTGATE VILLAGE MUPD  
 CONTROL NO.: 88-000  
 APPLICATION NO.: AB1672/PD/C/A-2025-0066

**PBC AMENDMENTS:**

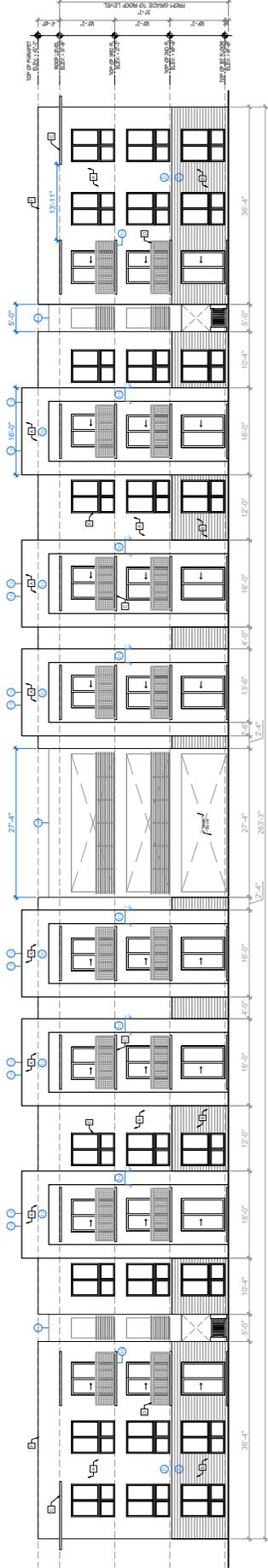
**PBC ZONING STAMP:**

ELEMENT	REQUIRED	PROVIDED	ARTICLE 3, WDC 3. ARCHITECTURAL GUIDELINES - BUILDING TYPE V
A. WINDOW DESIGN	Provide window design that is consistent with the architectural guidelines for Building Type V. Windows shall be designed to be aesthetically pleasing and functional. Window design shall be consistent with the architectural guidelines for Building Type V.	Provided	3.01.01.01. WINDOW DESIGN
B. WINDOW MATERIALS	Provide window materials that are consistent with the architectural guidelines for Building Type V. Window materials shall be consistent with the architectural guidelines for Building Type V.	Provided	3.01.01.02. WINDOW MATERIALS
C. WINDOW OPERATIONS	Provide window operations that are consistent with the architectural guidelines for Building Type V. Window operations shall be consistent with the architectural guidelines for Building Type V.	Provided	3.01.01.03. WINDOW OPERATIONS
D. WINDOW ACCESSIBILITY	Provide window accessibility that is consistent with the architectural guidelines for Building Type V. Window accessibility shall be consistent with the architectural guidelines for Building Type V.	Provided	3.01.01.04. WINDOW ACCESSIBILITY
E. WINDOW ENERGY EFFICIENCY	Provide window energy efficiency that is consistent with the architectural guidelines for Building Type V. Window energy efficiency shall be consistent with the architectural guidelines for Building Type V.	Provided	3.01.01.05. WINDOW ENERGY EFFICIENCY
F. WINDOW SAFETY	Provide window safety that is consistent with the architectural guidelines for Building Type V. Window safety shall be consistent with the architectural guidelines for Building Type V.	Provided	3.01.01.06. WINDOW SAFETY

ELEMENT	REQUIRED	PROVIDED	ARTICLE 3, CHAPTER C - DESIGN STANDARDS COMPLIANCE - BUILDING TYPE V
A. WINDOW DESIGN	Provide window design that is consistent with the architectural guidelines for Building Type V. Window design shall be consistent with the architectural guidelines for Building Type V.	Provided	C.01.01.01. WINDOW DESIGN
B. WINDOW MATERIALS	Provide window materials that are consistent with the architectural guidelines for Building Type V. Window materials shall be consistent with the architectural guidelines for Building Type V.	Provided	C.01.01.02. WINDOW MATERIALS
C. WINDOW OPERATIONS	Provide window operations that are consistent with the architectural guidelines for Building Type V. Window operations shall be consistent with the architectural guidelines for Building Type V.	Provided	C.01.01.03. WINDOW OPERATIONS
D. WINDOW ACCESSIBILITY	Provide window accessibility that is consistent with the architectural guidelines for Building Type V. Window accessibility shall be consistent with the architectural guidelines for Building Type V.	Provided	C.01.01.04. WINDOW ACCESSIBILITY
E. WINDOW ENERGY EFFICIENCY	Provide window energy efficiency that is consistent with the architectural guidelines for Building Type V. Window energy efficiency shall be consistent with the architectural guidelines for Building Type V.	Provided	C.01.01.05. WINDOW ENERGY EFFICIENCY
F. WINDOW SAFETY	Provide window safety that is consistent with the architectural guidelines for Building Type V. Window safety shall be consistent with the architectural guidelines for Building Type V.	Provided	C.01.01.06. WINDOW SAFETY

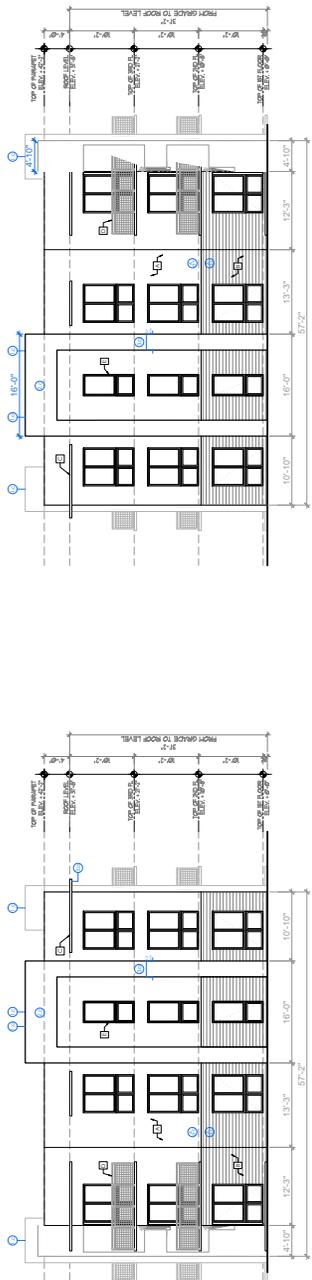
**MATERIAL & FINISHES LEGEND**

<b>A</b>	BODY - MASONRY/STUCCO FINISH
<b>B</b>	ALUMINUM WINDOW
<b>C</b>	MULTICATED STUCCO ACCENT BASE
<b>D</b>	WOOD PANELING
<b>E</b>	WOOD PANELING
<b>F</b>	WOOD PANELING



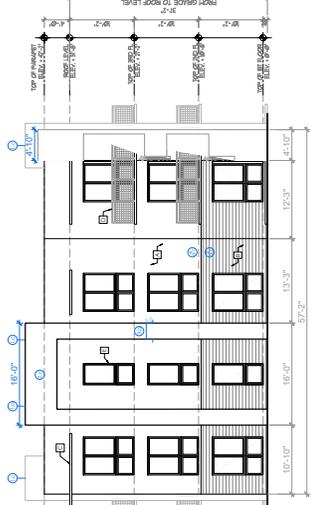
**BUILDING TYPE VI - 45 UNITS**  
 FRONT ELEVATION - EAST

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



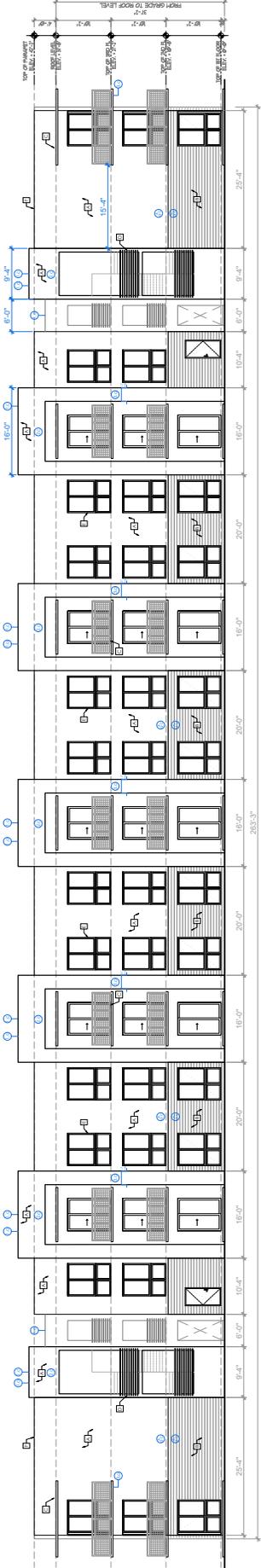
**BUILDING TYPE VI - 45 UNITS**  
 LEFT SIDE ELEVATION - SOUTH

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



**BUILDING TYPE VI - 45 UNITS**  
 RIGHT SIDE ELEVATION - NORTH

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



**BUILDING TYPE VI - 45 UNITS**  
 REAR ELEVATION - WEST

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

**SITE DATA**  
 APPLICATION NAME: WESTGATE VILLAGE MUPD  
 CONTROL NO.: 83-000  
 APPLICATION NO.: AB172/PD/C/A-2025-0066

**PBC AMENDMENTS:**

**PBC ZONING STAMP:**

ELEMENT	REQUIRED	PROVIDED	ARTICLE 3, WECA 3. ARCHITECTURAL GUIDELINES - BUILDING TYPE VI
A. BUILDING MATERIALS	None	None	None of the materials are prohibited. The building materials are consistent with the guidelines.
B. BUILDING ORIENTATION	None	None	None of the building orientations are prohibited. The building orientation is consistent with the guidelines.
C. BUILDING HEIGHT	None	None	None of the building heights are prohibited. The building height is consistent with the guidelines.
D. BUILDING FOOTPRINT	None	None	None of the building footprints are prohibited. The building footprint is consistent with the guidelines.
E. BUILDING SETBACKS	None	None	None of the building setbacks are prohibited. The building setbacks are consistent with the guidelines.
F. BUILDING MASSING	None	None	None of the building massing elements are prohibited. The building massing is consistent with the guidelines.

ELEMENT	REQUIRED	PROVIDED	ARTICLE 3, WECA 3. ARCHITECTURAL GUIDELINES - BUILDING TYPE VI
A. BUILDING MATERIALS	None	None	None of the materials are prohibited. The building materials are consistent with the guidelines.
B. BUILDING ORIENTATION	None	None	None of the building orientations are prohibited. The building orientation is consistent with the guidelines.
C. BUILDING HEIGHT	None	None	None of the building heights are prohibited. The building height is consistent with the guidelines.
D. BUILDING FOOTPRINT	None	None	None of the building footprints are prohibited. The building footprint is consistent with the guidelines.
E. BUILDING SETBACKS	None	None	None of the building setbacks are prohibited. The building setbacks are consistent with the guidelines.
F. BUILDING MASSING	None	None	None of the building massing elements are prohibited. The building massing is consistent with the guidelines.

**MATERIAL & FINISHES LEGEND**

- A BODY - ANCHORED COLORED FINISH
- B ALUMINUM FINISH
- C ACCESSIBLE BRIDGE SW 7036
- D ACCESSIBLE BRIDGE SW 7036
- E ALUMINUM FINISH/GUARDRAIL
- F BRONZE COLOR
- G COLOR MATCH TO BRICK
- H COLOR MATCH TO BRICK
- I COLOR MATCH TO BRICK
- J COLOR MATCH TO BRICK
- K COLOR MATCH TO BRICK
- L COLOR MATCH TO BRICK
- M COLOR MATCH TO BRICK
- N COLOR MATCH TO BRICK
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- U COLOR MATCH TO BRICK
- V COLOR MATCH TO BRICK
- W COLOR MATCH TO BRICK
- X COLOR MATCH TO BRICK
- Y COLOR MATCH TO BRICK
- Z COLOR MATCH TO BRICK

## Exhibit E-6 - Master Plan Exhibit

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**Exhibit E-7 -Disclosure**

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**DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT**

***[TO BE COMPLETED AND EXECUTED ONLY WHEN THE APPLICANT IS NOT THE OWNER OF THE SUBJECT PROPERTY]***

**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 David Martin, 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  Manager *[position—e.g., president, partner, trustee]* of Belco West, LLC for Westgate Gardens, LLC *[name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership]*, (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").

2. Affiant's address is: 3310 Mary Street, Suite 302  
Coconut Grove, FL 33133

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 Applicant. 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 Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.

5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant 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.

  
\_\_\_\_\_  
David Martin, Affiant  
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of  physical presence or  
 online notarization, this 18<sup>th</sup> day of February, 2025 by  
David Martin (name of person acknowledging). He/she is personally  
known to me or has produced \_\_\_\_\_ (type of identification) as  
identification and did not take an oath (circle correct response).

David Martin  
\_\_\_\_\_  
(Name - type, stamp or print clearly)

  
\_\_\_\_\_  
(Signature)

My Commission Expires on: 11/17/28

NOTARY'S SEAL OR STAMP



**EXHIBIT "A"****PROPERTY**

A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 30; THENCE NORTH 88°22'59" WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 30, A DISTANCE OF 64.75 FEET; THENCE DEPARTING SAID SOUTH LINE, NORTH 01°37'01" EAST A DISTANCE OF 61.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF BELVEDERE ROAD AS RECORDED IN ROAD PLAT BOOK 4, PAGE 201, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE CONTINUE ALONG SAID NORTH RIGHT-OF-WAY LINE THROUGH THE FOLLOWING THREE COURSES; NORTH 88°22'59" WEST A DISTANCE OF 776.63 FEET; THENCE NORTH 01° 27'23" EAST A DISTANCE OF 5.00 FEET; THENCE NORTH 88°22'59" WEST A DISTANCE OF 50.00 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF THE EAST 50 FEET OF THE WEST 3/4 OF THE WEST 1/2 OF THE EAST 1/2 OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 30, SAID LINE ALSO BEING THE SOUTHERLY PROLONGATION OF THE EAST LINE OF PLAT NO. 3 OF GOLFPVIEW HEIGHTS AS RECORDED IN PLAT BOOK 23, PAGE 234, SAID PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE NORTH 01°27'23" EAST, ALONG SAID EAST LINE AND ITS SOUTHERLY PROLONGATION THEREOF, A DISTANCE OF 2093.26 FEET; THENCE DEPARTING SAID EAST LINE, SOUTH 88°37'33" EAST, A DISTANCE OF 859.08 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF NORTH CONGRESS AVENUE AS RECORDED IN OFFICIAL RECORDS BOOK 4041, PAGE 37, SAID PUBLIC RECORDS; THENCE CONTINUE ALONG SAID WEST RIGHT-OF-WAY LINE THROUGH THE FOLLOWING EIGHT COURSES; SOUTH 01°32'49" EAST A DISTANCE OF 243.87 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 5675.60 FEET AND A CENTRAL ANGLE OF 03° 05'26"; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 306.14 FEET TO A POINT OF TANGENCY WITH THE FOLLOWING DESCRIBED LINE; THENCE SOUTH 01° 32'37" WEST, ALONG SAID TANGENT LINE, A DISTANCE OF 713.03 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 5675.60 FEET AND A CENTRAL ANGLE OF 02°07'52"; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE A DISTANCE OF 211.10 FEET TO A POINT OF TANGENCY WITH THE FOLLOWING DESCRIBED LINE; THENCE SOUTH 03°40'29" WEST, ALONG SAID TANGENT LINE, A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 5783.60 FEET AND A CENTRAL ANGLE OF 00°54'17"; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 91.33 FEET TO A POINT OF TANGENCY WITH THE FOLLOWING DESCRIBED LINE; THENCE SOUTH 02°46'12" WEST, ALONG SAID TANGENT LINE, A DISTANCE OF 307.83 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 30.00 FEET AND A CENTRAL ANGLE OF 88°50'49"; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 46.52 FEET TO A POINT OF TANGENCY WITH THE NORTH RIGHT-OF-WAY LINE OF SAID BELVEDERE ROAD AND THE POINT OF BEGINNING.

CONTAINING IN ALL 1,831,954 SQUARE FEET OR 42.056 ACRES, MORE OR LESS.

**EXHIBIT "B"**

**DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT**

Affiant must identify all entities and individuals owning five percent or more ownership interest in Applicant's corporation, partnership or other principal, if any. Affiant must identify individual owners. For example, if Affiant is the 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.

<b>Name</b>	<b>Address</b>
(1) David Martin,	3310 Mary Street, Coconut Grove, FL 33133
(2) David Frisbie,	221 Royal Poinciana Way, Palm Beach, FL 33433
(3) Robert Frisbie, Jr.,	221 Royal Poinciana Way, Palm Beach, FL 33433
(4) Cody Crowell,	221 Royal Poinciana Way, Palm Beach, FL 33433
(5) Michaela Frisbie Facchinei,	221 Royal Poinciana Way, Palm Beach, FL 33433

**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 Patrick Rooney Jr., President - Investment Corporation of Palm Beach, 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] President Investment Corporation of Palm Beach [position - e.g., president, partner, trustee] of Investment Corporation of Palm Beach [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: 1111 N. Congress Avenue  
West Palm Beach, FL 33409

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.

Patrick J. Rooney Jr.  
Patrick J. Rooney Jr., Affiant  
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 21<sup>st</sup> day of January, 2025 by Patrick J. Rooney Jr. (name of person acknowledging). He/she is personally known to me or has produced \_\_\_\_\_ (type of identification) as identification and did not take an oath (circle correct response).

Susan Tomlinson  
(Name - type, stamp or print clearly)

Susan Tomlinson  
(Signature)

My Commission Expires on: \_\_\_\_\_

NOTARY'S SEAL OR STAMP



**EXHIBIT "A"****PROPERTY**

A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CONTAINING IN ALL 1,831,954 SQUARE FEET OR 42.056 ACRES, MORE OR LESS

## EXHIBIT "B"

## DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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Name	Address
(1) Patrick J. Rooney Sr., 2019 Irrevocable Trust	Patrick J. Rooney Jr., Trustee 1111 N. Congress Avenue, West Palm Beach, FL 33409
(2) 2004 Irrevocable Trust Family of John & JoAnn Rooney	Peter Rooney, Trustee Goldman Sachs & Co 200 West Street, 39th Fl, New York, NY 10282
(3) Kathleen K. Rooney, Shareholder	1190 Washington Road, Pittsburgh, PA 10282
(4) John T. Rooney, Shareholder	8 Fenbrook Drive, Larchmont, NY 10538

## Exhibit E-8 - Density Letter

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**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](http://www.pbc.gov/pzb)



**Palm Beach County  
Board of County  
Commissioners**

Maria G. Marino, Mayor

Sara Baxter, Vice Mayor

Gregg K. Weiss

Joel Flores

Marci Woodward

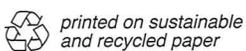
Maria Sachs

Bobby Powell, Jr.

**County Administrator**

Verdenia C. Baker

*"An Equal Opportunity  
Affirmative Action Employer"*



May 22, 2025

Joni Brinkman, AICP  
Urban Design Studio  
610 Clematis Street, Suite CU-02  
West Palm Beach, FL 33401  
Email: [jbrinkman@udsflorida.com](mailto:jbrinkman@udsflorida.com)

Dear Ms. Brinkman:

This letter is in response to your proposal for the Westgate Village MUPD, which identifies multiple development phases and pods resulting in a total of 1,145 residential units.

As currently shown, the initial development phase (Pod 1) includes 405 units, and proposes to utilize the Westgate Community Redevelopment Area Overlay Density Bonus Program (WCRAO DBP) to achieve the desired density. The applicant is requesting 325 DBP units, which have not yet been allocated by the Westgate Community Redevelopment Area Board) in addition to the existing 80 units per underlying five (5) du/ac density on 16.05 acres for Pod 1. This letter is required for sufficiency in the initial development phase (Pod 1) approval process.

Pursuant to the WCRAO workforce housing provisions, as proposed Pod 1 will require a minimum of 10% (40 total units) of the proposed 405 units to be provided at or below the Low Income Category and a minimum of 10% (41 total units) of the proposed 405 units to be provided as Moderate 1 Income Category units in order to meet Westgate's standards.

Note that for the balance of the units identified on the proposed Master Plan (740 units of the total 1145 units), under the current FLU designation a maximum of 130 units would be available for the remaining 26.01 acres, so 610 proposed units are currently unavailable. Any additional density increases to accommodate additional units must be obtained through one or more of the following mechanisms: TDRs, WHP Density Bonus, Westgate Density Bonus Pool Units, or Future Land Use Amendment. Note that per the ULDC, the Westgate CRA workforce housing provisions will apply if the Westgate Density Bonus Pool Units are used, and alternatively the WHP provisions will apply if the WHP density bonus is used.

Additionally, the determination and information 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 zoning requirements, land development regulations, and other considerations in the development review process.

Sincerely,

Michael Howe, Senior Planner

T:\Planning\CURRENT\WHP\Westgate Village\Westgate Village\_WCRAOBonus Pool\_052225.docx

## Exhibit E-9 - WCRAO Recommendation Letter

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July 11, 2025

Joni Brinkman, AICP, Principal  
Urban Design Studio  
610 Clematis Street, Suite CU02  
West Palm Beach, FL 33401  
[jbrinkman@udsflorida.com](mailto:jbrinkman@udsflorida.com)

**RE: WCRA RECOMMENDATION (REVISED)**  
**PROJECT: Westgate Village MUPD – Phase I**  
1111 Congress Avenue  
Control No. 83-050  
ABN/ZV/PDD/CA-2025-00406

Dear Joni;

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. Official Zoning Map Amendment (“Rezoning”) of entire 42.06 acres from Commercial General (CG) in part, and Residential High (RH) in part, to Multiple Use Planned Development (MUPD);
2. Board of County Commissioners (“BCC”) Class A Conditional Use approval to allocate 325 Density Bonus Units from the WCRAO Density Pool to a Planned Development District (MUPD), representing 20.25 bonus units per acre on 16.05 acres (Phase I). 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;
3. Development Order Abandonment of a Special Exception to allow an Open-Air Flea Market granted via Resolution R-83-0803;
4. Type 2 Variance from Table 3.B.14.F WCRAO Non-Residential & Mixed-Use Sub-Area PDR’s Optional Plazas and Squares, to allow an increase to the maximum of 25’ for plaza depth to 75’, a variance of 50’ for the Build to Line Exemption; and,
5. Type 2 Variance from Table 3.B.14.F WCRAO Non-Residential & Mixed-Use Sub-Area PDR’s, to allow an increase to the 10’-25’ Build to Line setback as follows: Building 1—36’; Building 2—103’; and, Building 3—36’.

At their March 10, 2025 regular meeting, the Westgate CRA Board reviewed the application requests, preliminary site plans, drainage and traffic statements, architecture, and justification by your office. The application requests, including variances, are supported by the CRA. The project is compatible with the goals of the Westgate CRA Community Redevelopment Plan, as amended, the intent of the WCRA Zoning Overlay UG Sub-area, and the objectives WCRAO Density Bonus Program. The project



offers new, quality mixed-income housing stock in close proximity to major job centers and transit, with a set aside for the workforce, and facilitates the redevelopment of vastly underutilized land.

Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Denise Pennell".

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

## Exhibit E-10 - Drainage

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**HSQ GROUP, LLC**  
**Engineers • Planners • Surveyors**

1001 Yamato Road, Suite 105

Boca Raton, FL 33431

(561) 392-0221 Phone • (561) 392-6458 Fax

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April 28, 2025

SITE PLAN APPLICATION

DRAINAGE STATEMENT-Phase I

Kennel Club  
Palm Beach County, Florida

SITE DATA

The subject parcel is located at the northwest corner of Belvedere Road and Congress Ave in Palm Beach County and contains approximately 42.056 acres (this statement is for Phase I that includes 16.05 acres). This parcel is a portion of Property Control Number (PCN) 00-43-43-30-00-000-5190 as depicted on the site plan. The parcel borders vacant land approved for relocation of PBKC (Palm Beach Kennel Club) facilities to the north, Congress Ave (PBC) to the east and Belvedere (PBC) to the south. Adjacent to the western side of the property are non-residential parcels owned by Hertz Corporation (SW) and Palm Beach County along with residential neighborhoods to the northwest.

DRAINAGE INFORMATION

This site resides in sub-basin 39 of the SFWMD C-51 basin (C-51 100 year – 3-day elevation 13.5 NGVD/12.0 NAVD) and Lake Worth Drainage District. Reviewing existing information there do not appear to be any permits issued for the currently developed site that includes buildings, parking facility, stormwater treatment areas and an existing ditch circumventing the site that is currently dedicated to PBC (ORB 6085, PG 143). Analysis will be conducted and coordinated with PBC for potential backfill and piping of existing ditch. Further study will need to be conducted to determine the quantity of discharge received and how it will affect the design of the overall site. A Pre-application meeting was setup with SFWMD to ensure proposed drainage design is incorporating any adjacent sites and meeting all drainage criteria. The proposed plans will meet all criteria set forth by Palm Beach County and SFWMD. This includes meeting Finished Floor Elevation with 100 year -3 day storm event, meeting 25 year – 3 day Palm Beach County discharge requirements (section 600), and meeting parking lot elevations at the 5 year- 1 day storm event. To ensure C-51 compensating storage and water quality are met the site will proposed exfiltration trench and depressed swales. In addition to this the Westgate CRA that encompasses this project has agreed to provide 9.37 ac-ft of compensating storage credit. Please refer to included CRA document showing Board approval. Legal Positive Outfall for the site is available via connection to the existing ditch (that is proposed to be filled with piping) within the PBC Easement Drainage Easement or adjacent PBC Roadways Belvedere Road and Congress Avenue. There will be a master overall drainage permit for the overall site and filling of the ditch through Palm Beach County and SFWMD. The 16.05 acres will be permitted as a construction phase to this overall conceptual permit.

Sincerely,

Zachary Todd, P.E. #84179



March 12, 2024

Joshua L. Martin, AICP, CNU-A  
Frisbie Group  
221 Royal Poinciana, Suite 1  
Palm Beach, FL 33480

**RE: Westgate CRA Central Lake C-51 Compensating Stormwater Storage Mitigation Bank – Credits Request for Project Lightspeed (PBKC)**

Dear Mr. Martin;

The South Florida Water Management District (SFWMD) formally established the Westgate Central Lake Mitigation Bank in 2023 for the C-51 basin, specifically sub-basin 39, through an amendment to the “Westgate CRA North Project” Permit No. 50-108830-P. A total of 23.67 acre-feet were assigned to the mitigation bank. Upon approval by the CRA Board, redevelopment projects within the CRA district may access these mitigation bank credits for compensating floodplain storage to offset infrastructure costs and maximize development potential. To date 14.3 acre-feet have been allocated to projects already under construction. The mitigation bank has a balance remaining of 9.37 acre-feet.

The developers of Project Lightspeed, which will redevelop the 42-acre Palm Beach Kennel Club site with multifamily residential/mixed use, made a request to the Westgate CRA to utilize the remaining 9.37 acre-feet of compensating floodplain storage mitigation bank credits to ensure the project can be constructed. At their March 11, 2024 regular meeting the Westgate CRA Board moved to support the credit assignment.

Please do not hesitate to contact me with any questions or concerns.

Sincerely,

A handwritten signature in blue ink that reads "Elizée Michel". The signature is written in a cursive, flowing style.

Elizée Michel, AICP, HDFP, FRA-RA, Executive Director  
Westgate CRA, Palm Beach County

1280 N. Congress Avenue, Suite 215  
West Palm Beach, Florida 33409  
561-640-8181  
westgatecra.org

## Exhibit E-11 - Utility Letter

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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: June 16, 2025 Control # 00274

Re: PZ&B Application #: ABN/ZV/PDD/CA- 2025-00406  
Project Name – Westgate Village MUPD

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:

<u>Service Type</u>	<u>Capacity (in ERCs)</u>
Potable Water	<b>260.95</b>
Wastewater	<b>260.95</b>
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 3/4 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:

**00-43-43-30-00-000-5190**

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 M. Foreman*  
Director of Finance & Administration

Date: 16 June - 25



**Water Utilities Department**

8100 Forest Hill Blvd.  
West Palm Beach, FL 33413  
(561) 493-6000  
Fax: (561) 493-6008  
www.pbcwater.com



**Palm Beach County  
Board of County  
Commissioners**

Maria G. Marino, Mayor  
Sara Baxter, Vice Mayor  
  
Gregg K. Weiss  
Joel Flores  
Marcy Woodward  
Maria Sachs  
Bobby Powell, Jr.

**County Administrator**

Verdenia C. Baker

*"An Equal Opportunity  
Affirmative Action Employer"*

Official Electronic Letterhead

February 3, 2025

Urban Design Studio  
610 Clematis Street  
WPB, FL 33401

RE: PBKC Residential  
PCN 00-43-43-30-00-000-5190  
Service Availability Letter

Dear Joni,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. Based on a review of current PBCWUD infrastructure and existing customers within the general vicinity of the referenced property, PBCWUD currently has the capacity to provide the level of service required for the proposed 405 multifamily homes.

The nearest point of connection is a 12" potable water main and a 10" sanitary sewer force main located within Congress Avenue adjacent to the subject property. There is an 8" water main located within Cherry Road adjacent to the subject property. The water main must be looped with a minimum of two connection points. A lift station and offsite improvements may be required.

Please note that this letter does not constitute a final commitment for service until the final design has been approved by PBCWUD. In addition, the addition of new developments/customers prior to service initiation to the property may affect the available capacity. PBCWUD does not make any representations as to the availability of capacity as of the future service initiation date.

If you have any questions, please give me a call at (561)493-6116.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jackie Michels".

Jackie Michels, P.E,  
Project Manager

## Exhibit E-12 - School Capacity Availability Determination (SCAD)

---



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.PALMBEACHSCHOOLS.ORG](http://WWW.PALMBEACHSCHOOLS.ORG)

## SCHOOL CAPACITY AVAILABILITY DETERMINATION (SCAD)

<b>Application</b>	<b>Submittal Date</b>	04/18/2025		
	<b>SCAD No.</b>	<b>25041601Z/Rezoning and 25041601D /D. O.</b>		
	<b>FLU /Rezoning/D.O. No.</b>	CA-2025-00406 – Unincorporated Palm Beach County		
	<b>PCN and Address</b>	00-43-43-30-00-000-5190 / 1111 N. Congress Avenue		
	<b>Development Name</b>	<b>Westgate Village MUPD</b>		
	<b>Owner / Agent Name</b>	Investment Corporation of Palm Beach/Urban Design Studio		
	<b>SAC No.</b>	151		
	<b>Proposed Rezoning Proposed D. O.</b>	<b>Maximum 405 Residential Units 405 Apartment Units</b>		
<b>Impact Review</b>		<b>West Gate Elementary School</b>	<b>Jeaga Middle School</b>	<b>Palm Beach Lakes High School</b>
	New Students Generated	70	30	<b>38</b>
	Capacity Available	224	356	<b>-290</b>
	Utilization Percentage	79%	72%	<b>110%</b>
<b>School District Staff's Recommendation</b>	<p><b>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.</b></p> <p>In order to address the school capacity deficiency generated by this proposed development at the district <b>high school level</b>, the property owner shall contribute <b>\$585,580.00</b> to the School District of Palm Beach County prior to the issuance of first building permit.</p> <p>This voluntary school capacity contribution is intended to supplement the required school impact fee (impact fee credit has already been applied).</p> <p>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.</p>			
<b>Validation Period</b>	<p>1) This determination is valid from <b>04/25/2025</b> to <b>04/24/2026</b> or the expiration date of the site-specific development order approved during the validation period.</p> <p>2) A copy of the approved D.O. must be submitted to the School District Planning Dept. prior to <b>04/24/2026</b> or this determination will expire automatically on <b>04/24/2026</b>.</p>			
<b>Notice</b>	<p>1) This letter replaces a previous one with case#24051601Z/24051601D issued on 05/29/24.</p> <p>2) 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.</p>			

*Joyce Cai*

April 25, 2025

School District Representative Signature

Date

**Joyce C. Cai, Senior Planner**

**joyce.cai@palmbeachschools.org**

Print Name & Title

Email Address

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

**Exhibit E-13 - Federal Aviation Administration Determination (FAA)**

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Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2025-ASO-7689-OE

Issued Date: 04/25/2025

Zachary Todd  
 HSQ Group, LLC  
 1001 Yamato Road  
 Sute 105  
 Boca Raton, FL 33431

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Multi-unit Housing Multifamily buildings
Location:	West Palm Beach, FL
Latitude:	26-41-32.11N NAD 83
Longitude:	80-05-18.38W
Heights:	15 feet site elevation (SE)
	35 feet above ground level (AGL)
	50 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M Change 1.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 10/25/2026 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (404) 305-6462, or [mike.blaich@faa.gov](mailto:mike.blaich@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2025-ASO-7689-OE.

**Signature Control No: 653579137-655060592**

( DNE )

Michael Blaich  
Specialist

Attachment(s)

Map(s)

TOPO Map for ASN 2025-ASO-7689-OE



Sectional Map for ASN 2025-ASO-7689-OE



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