

**PALM BEACH COUNTY  
PLANNING, ZONING AND BUILDING DEPARTMENT  
ZONING DIVISION**

**Application No.:** Z-2019-00519  
**Application Name:** Westgate CRA - Rezoning  
**Control No./Name:** 1994-00094 (Westgate CRA)  
**Applicant:** Belvedere Westgate CRA  
Palm Beach County  
**Owners:** Belvedere Westgate  
Palm Beach County  
**Agent:** Gentile Glas Holloway O'Mahoney & Assoc Inc. - Alec  
Dickerson, Dodi Buckmaster -Glas  
**Telephone No.:** (561) 575-9557, (561) 575-9557  
**Project Manager:** Cody Sisk, Site Planner I

**TITLE:** an Official Zoning Map Amendment **REQUEST:** to allow a rezoning from the Neighborhood Commercial (CN) and Multifamily Residential High Density (RH) Zoning Districts to the General Commercial (CG) Zoning District, with a Conditional Overlay Zone (COZ).

**APPLICATION SUMMARY:** Proposed is an Official Zoning Map Amendment with a Conditional Overlay Zone (COZ), for eight individual parcels totaling 2.59 acres. The subject properties have no prior Zoning approvals, and are either vacant or support abandoned Single-family homes (2) with the exception of Parcel 8. Parcel 8 was last approved by the BCC on April 25, 2013 for a Expedited Application Consideration (EAC) to delete Conditions of Approval (Site Plan approval; Use Limitations; and Engineering), and a Development Order Abandonment (DOA) to abandon the Conditional Overlay Zone (COZ).

The Applicant, (Westgate/Belvedere Homes Community Redevelopment Agency (CRA)) is proposing to rezone 2.59 acres (eight parcels) from the Neighborhood Commercial (CN) and Multifamily Residential High Density (RH) Zoning Districts to the CG Zoning District. The CRA indicates there is no proposed development at this time and that the rezoning is necessary to facilitate CRA redevelopment efforts along the Westgate Avenue corridor. The COZ ensures that future development of each individual lot will comply with the minimum Property Development Regulations in the CG Zoning District.

This application was reviewed for compliance with Unified Land Development Code (ULDC) Ord. 2003-067, Supplement 25.

**SITE DATA:**

Location:	North and south side of Westgate Avenue between Seminole Boulevard and Suwanee Drive.
Property Control Number(s)	00-43-43-30-03-030-0160; 00-43-43-30-03-030-0490; 00-43-43-30-03-034-0310; 00-43-43-30-03-034-0350; 00-43-43-30-03-034-0110; 00-43-43-30-05-000-0050; 00-43-43-30-03-028-0100; 00-43-43-30-03-028-0400
Existing Future Land Use Designation:	Commercial High, with an underlying HR-8 (CH/8)
Proposed Future Land Use Designation:	No Proposed Change
Existing Zoning District:	Neighborhood Commercial (CN) and Multi-Family Residential (High Density) (RH)
Proposed Zoning District:	General Commercial (CG)
Total Acreage:	2.59 acres
Affected Acreage:	2.59 acres
Tier:	Urban/Suburban
Overlay District:	Westgate/Belvedere Homes Overlay
Neighborhood Plan:	N/A
CCRT Area:	Westgate CRA
Municipalities within 1 Mile	West Palm Beach
Future Annexation Area	West Palm Beach

**RECOMMENDATION:** Staff recommends **approval** of the request subject to a Conditional Overlay Zone (COZ) and the Conditions of Approval as indicated in Exhibit C.

**PUBLIC COMMENT SUMMARY:** At the time of publication, staff had received 0 contacts from the public regarding this project.

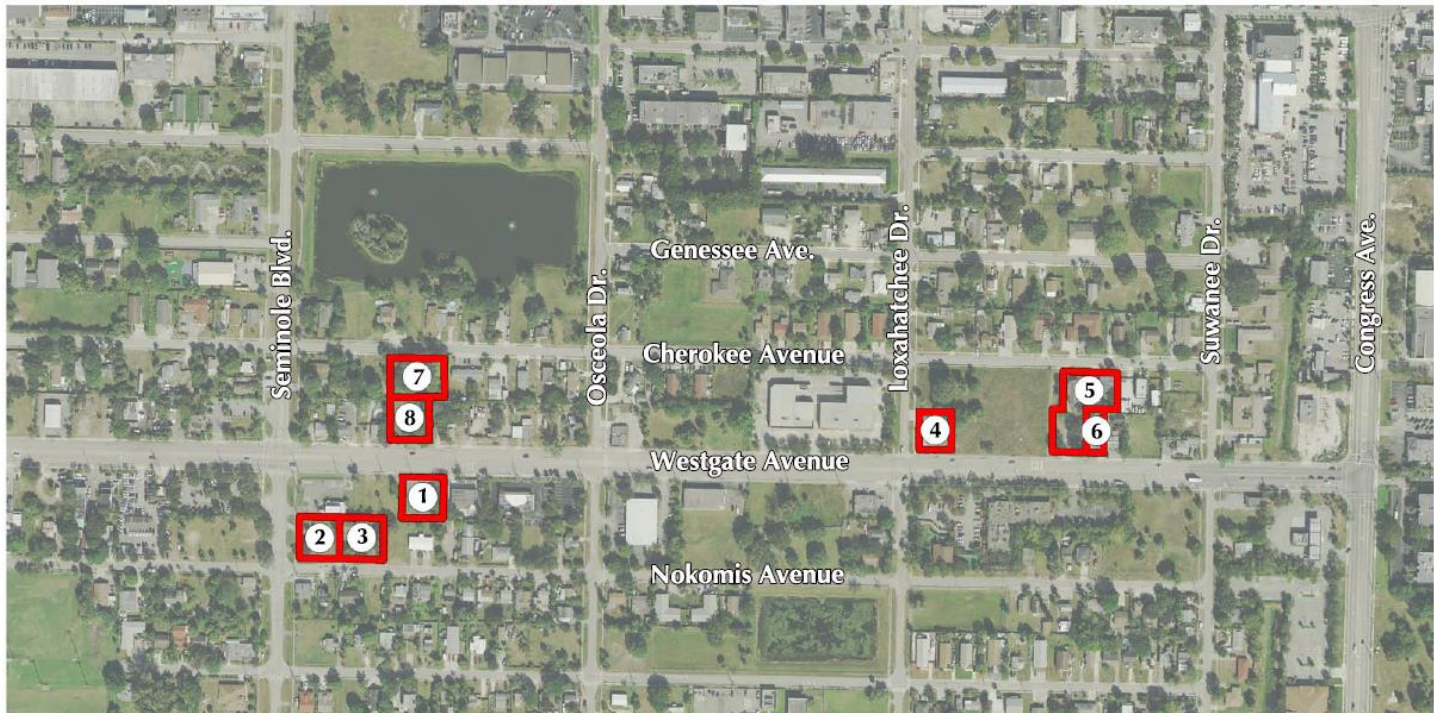
**PROJECT HISTORY:**

Control Number	Request	Resolution	Approval Date
1994-00094 (Parcel 8)	Development Order Abandonment (DOA) to abandon the Conditional Overlay Zone (COZ) granted under Resolution R-1995-427.	R-2013-0499	June 24, 2013
	Expedited Application Consideration (EAC) to delete Conditions of Approval (General, Site Plan approval; Use Limitations; Compliance and Engineering)	R-2013-0800	

This rezoning is similar to the rezoning completed on March 30, 1995 which rezoned 73 parcels from CN and RH Zoning Districts to the CG Zoning District per Resolution R-1995-0427.

**SURROUNDING LAND USES:**

The map listed below shows each parcel numbered one through eight. Each subject parcel has a surrounding land use. These land uses are combined into North, South, East and West surrounding uses.



**NORTH:**

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)  
Zoning District: Neighborhood Commercial (CN) (P1); Multi-Family Residential (High Density)(RH) (P5, P6, P7, and P8); and, General Commercial (CG) (P2, P3, and P4)  
Supporting: Vacant (P2, P3, and P4); Residential (P1, P5, P6, P7, and P8) [Control No N/A]

**SOUTH:**

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)  
Zoning District: General Commercial District (CG) (P1; P4, P5, and P6); Multi-Family Residential (High Density) District (RH) (P2, P3); and, Neighborhood Commercial (CN) (P7, P8);  
Supporting: Residential (P1, P2, P3); and, Commercial (My First Steps, 2001-011] (P4, P5, P6)  
Vacant (P7 and P8) [Control No N/A]

**EAST:**

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)

Zoning District: General Commercial (CG) (P1, P3, P4, and P8) Multi-Family Residential (High Density) (RH) (P2, P5, and P7); and, Neighborhood Commercial (CN) (P6)

Supporting: Commercial (South Florida Choppers, 1991-00052) (P1); Residential (P2, P5, P6, P7, P8); and, Vacant (P3, P4 ) [Control No N/A]

**WEST:**

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)

Zoning District: General Commercial District (CG) (P1, P2, P4, P5, P7, and P8) Multi-Family Residential (High Density) (P3); and, Neighborhood Commercial (CN) (P6)

Supporting: Residential (P5) [Control No. N/A]

**FINDINGS:**

Rezoning Standards:

When considering a Development Order application for an Official Zoning Map Amendment to a Standard Zoning District or a rezoning to a PDD or TDD, the BCC and ZC shall consider Standards a-g listed under ULDC Article 2.B.7.A.2, Standards. The Standards and Staff Analyses are indicated below. An Amendment, which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

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

- Consistency with the Comprehensive Plan: The proposed use or amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.
- Prior Land Use Amendments: The site is the subject of 1 Large Scale Land Use amendment known as Westgate Community Redevelopment Area Overlay (LGA-2005-023). The request was adopted via Ord. 2005-032 which amended the land use from High Residential 8 units per acre (HR-8), to Commercial High 8 Units per acre (CH-8), with no conditions.
- Density and Intensity: There are multiple properties associated with the subject request. All of the sites contain the CH/8 FLUA designation, which are permitted either a range of 0.35 - 0.50 FAR or 8 units per acre, depending on the specifics of a future site plan request. However, there is no site plan associated with this request.
- Special Overlay District/ Neighborhood Plan/Planning Study Area: The properties are located within the Revitalization, Redevelopment and Infill Overlay (RRIO), Westgate/Belvedere Homes Community Redevelopment Overlay (WCRAO), and the Urban Redevelopment Area (URA). The applicant is the CRA.

**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.***

- The proposed Rezoning to the CG Zoning District is consistent with the current the FLUA, which is CH/8, and it is consistent with the procedures outlined in Article 2.B.7.A. Each property will be required to comply with all applicable provisions of the ULDC prior to the issuance of any use approvals and/or building permits. Staff recommends a Condition of Approval to require a COZ to be implemented to verify each of the parcels that are being rezoned will meet ULDC requirements for minimum Property Development Regulations (PDR's) including lot size, width and depth, setbacks, and frontage. The PDR's will be met by consolidation of the parcels, variance relief, or by a ULDC amendment. The Applicant has indicated that their intent is to initiate an ULDC amendment, however the requested rezoning is needed to allow overall WCRA redevelopment to move forward. At this time a Site Plan is not required.
- Conditional Overlay Zone (COZ): The Zoning Division is recommending that the rezoning request be accompanied by Conditions of Approval pertaining to the future development of the eight individual parcels. To ensure adherence to the recommended Conditions of Approval contained within Exhibit

C, Staff is recommending that the rezoning request be subject to a COZ. The Applicant has agreed to the COZ.

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

Westgate Avenue corridor is primarily made up of Commercial uses and Zoning. Any new development would be required to meet the PDRs and all other ULDC standards, to address the proposed uses on the CG lot and character of the adjacent properties. All surrounding properties abutting the subject parcels are consistent throughout with the same FLU, which is CH-8. These properties have the option to develop as commercial or mixed use. Each of the subject parcels have frontage and/or rear access on the residential streets that run parallel to Westgate Avenue. Cherokee Avenue and Nokomis Avenue both are parallel to Westgate Avenue. The proposed rezoning request will have little to no adverse impacts on adjacent parcels or uses. The areas are a part of a redevelopment plan for Westgate CRA.

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

VEGETATION PROTECTION: The majority of these are properties have already been developed.

WELLFIELD PROTECTION ZONE: None of these site are located within a 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 Water and Irrigation Conservation Ordinance No. 93 3. 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.

As previously indicated, no development of the site is proposed at this time. This rezoning request will not have a negative impact on the natural environment or surrounding area. Any and all future development will be subject to the applicable requirements of the ULDC.

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

The surrounding area currently supports a variety of land uses, including Residential and Commercial. The properties abutting the subject parcels are consistent throughout with the same FLU, which is CH-8. The intent of this request is to provide the ability for a Mixed Use type of development, and other uses that will strengthen the overall economic base of the Westgate CRA area. Rezoning to the CG Zoning District will provide consistency with adjacent parcels and also provide a more appropriate and useful Zoning District.

The subject parcels are consistent with the existing development patterns. The request fulfills the intent of the WCRA Master Plan and its vision to increase economic development in the area. The rezoning will not change established development patterns or adversely affect a logical, orderly and timely development pattern.

- f. **Adequate Public Facilities** – *The proposed amendment complies with Art. 2.F, Concurrency.*

ENGINEERING COMMENTS:

There are no Engineering conditions of approval with this application.

PALM BEACH COUNTY HEALTH DEPARTMENT: This project meets all Florida Department of Health requirements

FIRE PROTECTION: Staff has reviewed the application and has no comments at this time.

SCHOOL IMPACTS: Staff has reviewed the application and has no comments at this time.

PARKS AND RECREATION: Parks and Recreation Department has “no comment” on the proposed rezoning of property within the Westgate CRA to General Commercial.

**g. Changed Conditions or Circumstances** – *There are demonstrated changed conditions or circumstances that necessitate the amendment.*

The subject parcels have been acquired by the WCRAO and the rezoning is needed to allow Westgate to solicit requests for proposals for broader and more consolidated redevelopment efforts intended to include other adjacent vacant parcels.

Staff has evaluated the standards listed under Article 2.B.7.A.2 and determined that there is a balance between the need of change and the potential impacts generated by this change; therefore, staff is recommending approval of the Rezoning request.

## CONDITIONS OF APPROVAL

### Exhibit C: Official Zoning Map Amendment with a Conditional Overlay Zone (COZ)

#### USE LIMITATIONS

1. Prior to Final approval by the Development Review Officer or issuance of any Building Permits, each of the eight parcels shall be combined with adjacent properties to the extent necessary to meet the minimum Property Development Regulations (PDRs) for the General Commercial Zoning District. Exceptions may be permitted subject to Variance relief from minimum PDRs, or the existing lot dimensions of the subject parcels are brought into compliance through adoption of Unified Land Development Code amendments. (ONGOING: ZONING - Zoning)

#### COMPLIANCE

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

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

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

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

#### DISCLOSURE

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



Zoning Commission  
Z-2019-00519, Westgate CRA Rezoning

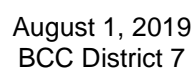


Figure 2- Zoning Map

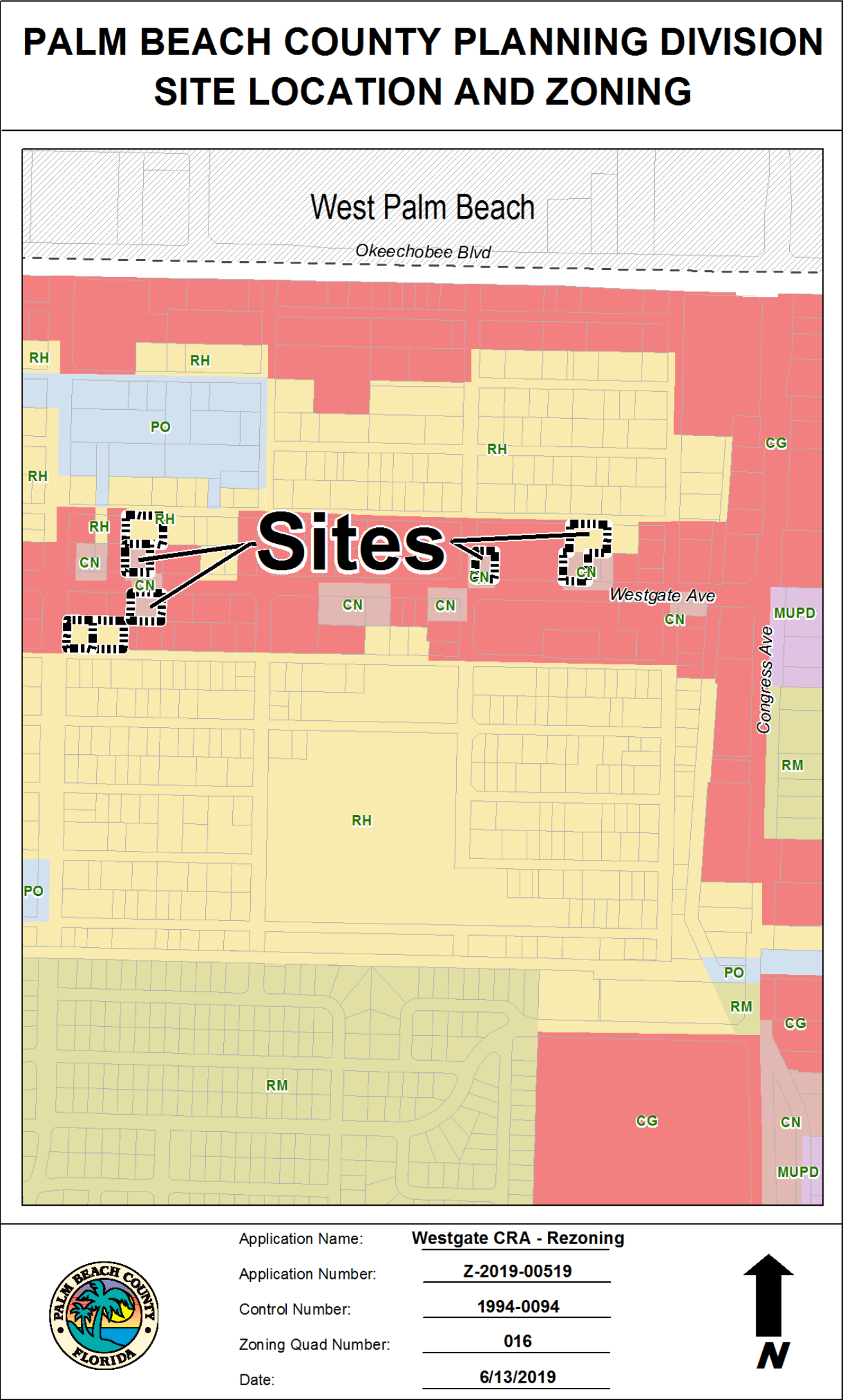




Figure 3- Aerial





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 Elizee Michel, 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 [☒]Executive Director \_\_\_\_\_ [position - e.g., president, partner, trustee] of Westgate/Belvedere Homes CRA [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: 1280 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.

Elizee Michel  
Elizee Michel, Executive Director, Affiant  
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of February 2019, by Elizee Michel, Executive Director, [ ] who is personally known to me or [ ] who has produced as identification and who did take an oath.



Sharon Rose Sheppard  
SHARON ROSE SHEPPARD  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# FF910983  
Expires 10/27/2019

Notary Public

(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

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

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

SEE ATTACHED LIST OF LEGAL DESCRIPTIONS.

## EXHIBIT "B"

## DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name

Address

Public Entity as Westgate/Belvedere Homes CRA 1280 N. Congress Ave., West Palm Beach, FL 33409

(100%)

Disclosure of Beneficial Interest - Ownership form  
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Revised 08/25/2011  
Web Format 2011

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