



**City of West Palm Beach
City Commission**

AGENDA

**May 4, 2020
5:00 P.M.**

IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), PERSONS IN NEED OF A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHALL, WITHIN THREE DAYS PRIOR TO ANY PROCEEDING, CONTACT THE CITY CLERK'S OFFICE, 401 CLEMATIS STREET, WEST PALM BEACH, FLORIDA 33401, {(561) 822-1210}

**MAYOR
KEITH A. JAMES**

**CITY COMMISSION
PRESIDENT KELLY SHOAF**

**COMMISSIONER CHRISTINA LAMBERT
COMMISSIONER CHRISTY FOX**

**COMMISSIONER CORY NEERING
COMMISSIONER JOSEPH A. PEDUZZI**

**ADMINISTRATION
CITY ADMINISTRATOR, FAYE W. JOHNSON
CITY ATTORNEY, KIMBERLY ROTHENBURG
CITY CLERK, HAZELINE CARSON**

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

CIVILITY AND DECORUM: The City of West Palm Beach is committed to civility and decorum by its officials, employees and members of the public who attend this meeting. The City Code, Secs. 2-31(8), 2-31(18) and 2-31(22), provides in pertinent part:

- Officials shall be recognized by the Chair and shall not interrupt a speaker.
- Public comment shall be addressed to the City Commission as a whole and not to any individual on the dais or in the audience.
- Displays of anger, rudeness, ridicule, impatience, lack of respect and personal attacks are strictly prohibited.
- Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted.
- Offenders may be removed from the meeting.

ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA:

PROCLAMATIONS (1-2):

1. **Proclaiming May 2020 as: Mental Health Month. Proclamation to be accepted by City of West Palm Beach staff: Alisha Singh, Training & Development Specialist; Kevin Jones, Coordinator of Community Initiatives; Jennifer Chripczuk, Benefits Officer; and DaNetra Scott, CIGNA On-Site Wellness Coordinator.**
Agenda Cover Memorandum No.: 22892
2. **Proclaiming May 17 through May 23, 2020 as: National Public Works Week. Proclamation to be accepted by City of West Palm Beach staff: Josh McDermott, Public Works Director; Roberto Travieso, Public Works Superintendent; Leon Pinder, Sanitation Superintendent; and Amy Marks, Public Works Administrative Superintendent.**
Agenda Cover Memorandum No.: 22893

COMMENTS BY THE MAYOR AND CITY COMMISSIONERS:

RECEIVED / FILED:

3. **Receive and file the Art in Public Places Committee's semi-annual report for October 2019 - April 2020.**
Agenda Cover Memorandum No.: 22894

Staff Recommended Motion:

Receive and file the Art in Public Places Committee's semi-annual report for October 2019 - April 2020.

Background:

Section 78-124 of the Art in Public Places Ordinance requires the Art in Public Places Committee to report to the City Commission on a semi-annual basis regarding the use of AiPP funds and the fund balance.

Fiscal Note:

No fiscal impact.

APPOINTMENT:

4. **Approve the appointment of John Roach, Principal Planner, as the City's representative to the Palm Beach Transportation Planning Agency's Bicycle Trailways Pedestrian Advisory Committee.**

Agenda Cover Memorandum No.: 22895

Staff Recommended Motion:

Approve the appointment of John Roach to the TPA's Bicycle Trailways Pedestrian Advisory Committee.

Background:

The Palm Beach Transportation Planning Agency ("TPA") is responsible for transportation planning in Palm Beach County. By federal regulation, each urban area in the United States creates an agency like this to act as a liaison between local communities, and the state and federal departments of transportation (DOTs). The TPA plans, prioritizes and funds transportation projects and programs. Every five years, the TPA updates a Long Range Transportation Plan that forecasts transportation demands and identifies cost-feasible projects for the next 25 years. The TPA then annually adopts a 5-year funding program that allocates federal and state transportation dollars to the projects in the Long Range Transportation Plan that are most important to our communities.

The TPA has a Bicycle Trailways Pedestrian Advisory Committee (BTPAC) made up of technical staff, primarily planners, representing the various local governments within Palm Beach County. The BTPAC serves in an advisory capacity to the TPA Governing Board to provide technical review, comments and recommendations on non-motorized means of travel such as walking and bicycling, as well as greenways and blueways travel facilities, and their interface with other modes of transportation.

The City of West Palm Beach has one (1) seat at the TPA's BTPAC, and historically, this seat has been filled by a member of the City's Planning and Zoning Division.

Heather Danforth, formerly a Senior Planner with the Planning and Zoning Division, previously served as the City's representative to the BTPAC. Ms. Danforth recently left the City.

The City desires to appoint John Roach, Principal Planner, as the City's representative to the BTPAC.

CONSENT CALENDAR (5-9):

5. **Minutes of the Regular City Commission Meeting of April 6, 2020.**
Agenda Cover Memorandum No.: 22896

Staff Recommended Motion:

Approve the Minutes of the Regular City Commission Meeting of April 6, 2020.

6. **Minutes of the Special City Commission Meeting of April 9, 2020.**
Agenda Cover Memorandum No.: 22897

Staff Recommended Motion:

Approve the Minutes of the Special City Commission Meeting of April 9, 2020.

7. **Minutes of the Regular City Commission Meeting of April 20, 2020.**
Agenda Cover Memorandum No.: 22898

Staff Recommended Motion:

Approve the Minutes of the Regular City Commission Meeting of April 20, 2020.

8. **Resolution No. 116-20 approving a workers' compensation proposed settlement agreement dated April 1, 2020 in the amount of \$235,000 regarding Joseph Swiderski v. City of West Palm Beach.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING APPROVAL OF A PROPOSED WORKERS' COMPENSATION SETTLEMENT IN THE MATTER OF JOSEPH SWIDERSKI v. CITY OF WEST PALM BEACH, OJCC CASE NO. 09-017242GJJ; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22899

Staff Recommended Motion:

Approve Resolution No. 116-20.

Background:

Mr. Swiderski suffered a compensable accident and related injuries while in the course and scope of employment on April 18, 2008 while on the job. Mr. Swiderski and the City have negotiated a settlement which compromises the full future amount of compensation and medical benefits for which he is eligible to receive in exchange for a proposed settlement amount of \$235,000 inclusive of statutory attorney's fees and costs and also in exchange for a general release of all claims. This settlement is a significant savings over the full future value of the claim.

Section 2-268(g)(4) of the Code of Ordinances of the City of West Palm Beach, Florida, provides that the authority for settlement of all claims in excess of \$30,000 shall require approval of the City Commission by formal resolution. Resolution No. 116-20 provides the authority to settle this claim.

Fiscal Note:

The cost to the City is approximately \$27,000. The excess carrier will be reimbursing the City for the remainder of approximately \$207,000.

9. **Resolution No. 121-20 accepting the award of \$215,649 in grant funding from the U.S. Department of Justice Coronavirus Emergency Supplemental Funding Grant (CESF) to aid in the prevention, preparation for, and response to COVID-19.**

Resolution No. 122-20(F) appropriating \$215,649 awarded by the United States Department of Justice Coronavirus Emergency Supplemental Funding Grant (CESF) to aid in the prevention, preparation for, and response to COVID-19.

RESOLUTION NO. 121-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE, UNDER THE CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING PROGRAM FOR EXPENDITURES INCURRED BY THE POLICE DEPARTMENT IN RESPONDING TO THE COVID-19 PANDEMIC; PROVIDING FOR AN EFFECTIVE DATE; AND OTHER PURPOSES.

RESOLUTION NO. 122-20 (F) : A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2019/2020 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GRANT PROGRAMS SPECIAL REVENUE FUND BUDGET TO PROVIDE APPROPRIATIONS FOR THE RECEIPT OF THE 2020 CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING GRANT (CESF) PROCEEDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22903

Staff Recommended Motion:

Approve Resolution Nos. 121-20 and 122-20(F).

Background:

On March 30, 2020, the United States Department of Justice announced the Coronavirus Emergency Supplemental Funding Program grant opportunity. The City of West Palm Beach was allocated \$215,649 of that funding.

The application was submitted upon preparation in order to facilitate distribution of funds awarded as they may be drawn down in advance or on a reimbursable basis. Permissible uses include, but are not limited to, overtime, equipment (including law enforcement and medical personal protective equipment), hiring, supplies (such as gloves, masks and sanitizer), training, and travel expenses (particularly related to the distribution of resources to the most impacted areas). No matching funds are required. The application deadline is May 29, 2020.

Consistent with the CESF's program purposes, which involve assistance in responding to the present national emergency in connection with the coronavirus, OJP has determined that eligible states or units of local government may draw down funds either in advance or on a reimbursable basis.

On April 20, 2020, the City Commission ratified the application submitted for this grant funding by passing resolution 117-20. On April 24, 2020 the City was notified the funds were awarded to the West Palm Beach Police Department. Resolution No. 121-20 authorizes the Mayor to accept the award and Resolution No. 122-20(F) provides appropriations for the awarded funds.

Fiscal Note:

Fully funded by U.S. Dept of Justice through the JAG Grants with no match required from the City.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

RESOLUTION:

- 10. Resolution No. 120-20 authorizing the issuance of not to exceed \$13,000,000 in principal amount of the City of West Palm Beach, Florida Utility System Revenue Refunding Bonds, Series 2020, for the principal purpose of refunding a portion of the City's outstanding Utility System Revenue Refunding Bonds, Series 2010; and, authorizing the issuance of not to exceed \$42,000,000 in principal amount of City of West Palm Beach, Florida Utility System Revenue Refunding Bonds, Series 2022, for the principal purpose of refunding a portion of the City's outstanding Utility System Revenue Refunding Bonds, Series 2012A.**

RESOLUTION NO. 120-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA AUTHORIZING THE ISSUANCE OF (i) NOT TO EXCEED \$13,000,000 IN PRINCIPAL AMOUNT OF CITY OF WEST PALM BEACH, FLORIDA UTILITY SYSTEM REVENUE REFUNDING BONDS, SERIES 2020, FOR THE PRINCIPAL PURPOSE OF REFUNDING A PORTION OF THE CITY'S OUTSTANDING UTILITY SYSTEM REVENUE REFUNDING BONDS, SERIES 2010, PURSUANT TO SECTION 210 OF RESOLUTION NO. 240-93 ADOPTED BY THE CITY ON NOVEMBER 29, 1993, AS AMENDED (THE "ORIGINAL RESOLUTION"), AND (ii) NOT TO EXCEED \$42,000,000 IN PRINCIPAL AMOUNT OF CITY OF WEST PALM

BEACH, FLORIDA UTILITY SYSTEM REVENUE REFUNDING BONDS, SERIES 2022, FOR THE PRINCIPAL PURPOSE OF REFUNDING A PORTION OF THE CITY'S OUTSTANDING UTILITY SYSTEM REVENUE REFUNDING BONDS, SERIES 2012A, PURSUANT TO SECTION 210 OF THE ORIGINAL RESOLUTION (COLLECTIVELY, THE "SERIES 2020/2022 BONDS"); PROVIDING THAT SAID SERIES 2020/2022 BONDS SHALL BE LIMITED OBLIGATIONS OF THE CITY PAYABLE SOLELY FROM NET REVENUES AS PROVIDED IN THE ORIGINAL RESOLUTION; PROVIDING CERTAIN DETAILS OF THE SERIES 2020/2022 BONDS; DELEGATING OTHER DETAILS AND MATTERS IN CONNECTION WITH THE ISSUANCE OF THE SERIES 2020/2022 BONDS AND THE BONDS TO BE REFUNDED TO THE MAYOR, WITHIN THE LIMITATIONS AND RESTRICTIONS STATED HEREIN; AUTHORIZING THE NEGOTIATED SALE AND AWARD BY THE MAYOR OF THE SERIES 2020/2022 BONDS THROUGH DIRECT PURCHASE TO THE PURCHASER, WITHIN THE LIMITATIONS AND RESTRICTIONS STATED HEREIN; APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE SERIES 2020/2022 FORWARD DELIVERY BOND PURCHASE AGREEMENTS; AUTHORIZING THE REFUNDING AND REDEMPTION OF THE BONDS TO BE REFUNDED; APPOINTING A BOND REGISTRAR FOR THE SERIES 2020/2022 BONDS; PROVIDING FEDERAL TAX COVENANTS FOR THE OWNER(S) OF THE SERIES 2020/2022 BONDS; AUTHORIZING OFFICERS AND EMPLOYEES OF THE CITY TO TAKE ALL NECESSARY ACTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Agenda Cover Memorandum No.: 22900

Staff Recommended Motion:

Approve Resolution No. 120-20.

Background:

The City has determined that as a result of the current low interest rate environment, it is financially beneficial to authorize the refunding of all or a portion of the Outstanding Series 2010 Bonds maturing on and after October 1, 2021, and all or a portion of the Outstanding Series 2012A Bonds maturing on and after October 1, 2023.

Series 2020 Utility System Revenue Refunding Bonds:

The City previously issued \$15,140,000, aggregate principal amount of the Series 2010 Utility System Revenue Refunding Bonds, the principal amount of which \$12,035,000 is currently outstanding. The City has determined that it is desirable to issue Refunding Bonds, Series 2020, for the purpose of providing funds, together with any other available funds of the City for the refunding and redemption of the Series 2010 Bonds to be Refunded, including the payment of interest to accrue to their redemption date, and the expenses of such issuance, refunding and redemption.

Series 2022 Utility System Revenue Refunding Bonds:

The City previously issued \$43,040,000 aggregate principal amount of the Series 2012A Utility System Revenue Refunding Bonds, the principal amount of which \$39,215,000 is currently outstanding. The City has determined that it is desirable to issue refunding Bonds, Series 2022, for the purpose of providing funds, together with any other available funds of the City for the refunding and redemption of the Series 2012A Bonds to be Refunded, including the payment of interest to accrue to their redemption date, and the expenses of such issuance, refunding and redemption.

The Series 2020/2022 will be forward refunded with the Series 2020 closing on October 1, 2020, and the Series 2022 closing on October 1, 2022. The Series 2020 will refund and replace the 2010 bonds and the Series 2022 will refund and replace the 2012 bonds resulting in savings of \$1.5 million or 12.5% and \$6.2 million or 16.8%, respectively. The combined net present value savings is approximately \$7.69 million or 15.9%.

Fiscal Note:

The combined net present value savings of the refunding of the Series 2010 and the Series 2012A bond is approximately \$7.69 million or 15.9%.

PUBLIC HEARING:

11. **Public Hearing and First Reading of Ordinance No. 4899-20 amending the property registration ordinance to update and clarify the property registration requirements for mortgagees of foreclosure properties.**

ORDINANCE NO. 4899-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES AT CHAPTER 18 BUILDINGS AND BUILDING REGULATIONS, ARTICLE VI VACANT BUILDINGS, VACANT STRUCTURES AND VACANT OR UNIMPROVED LOTS TO RENAME ARTICLE VI TO BE ENTITLED “VACANT BUILDINGS, VACANT STRUCTURES, VACANT OR UNIMPROVED LOTS AND FORECLOSURE PROPERTIES”; AMENDING DIVISION 2 RESPONSIBILITY OF OWNERS, SECTIONS 18-206 THROUGH 18-208 AND 18-210 THROUGH 18-212 TO UPDATE AND CLARIFY THE RESPONSIBILITIES OF MORTGAGEES OF FORECLOSURE PROPERTIES; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22901

Staff Recommended Motion:

Approve Ordinance No. 4899-20 at First Reading.

Background:

Chapter 18, Article VI, Division 2 of the City's Code of Ordinances establishes the responsibilities of owners when a property is vacant, abandoned or subject to foreclosure. The City Code currently requires the registration of vacant and abandoned properties, including but not limited to, properties that are in mortgage foreclosure, and the registration of abandoned real property at the time of mortgage default.

Foreclosed homes quickly succumb to the forces of nature and the elements, grass and weeds grow, swimming pools become stagnant public health hazards, landscaping dies from lack of attention or grows out of control, windows are broken, exteriors suffer damage from normal wear-and-tear and vandalism, communities suffer, and these consequences have a negative impact first on neighboring residences and then on the entire neighborhood. This Ordinance amends the City Code provisions pertaining to a mortgagee's obligation to register properties with the City to clarify the property registration process. The Ordinance clarifies that all properties, regardless of whether they are vacant or occupied, must be registered at the time a lis pendens is recorded, or a foreclosure action is commenced in order to protect neighborhoods and prohibit blight through the lack of adequate maintenance and security of vacant properties, or blight in properties that are subject to mortgages that are in default. The Ordinance further amends the property registration requirements to require a mortgagee to designate a local property manager and perform property inspections monthly.

Fiscal Note:

No fiscal impact.

PUBLIC HEARING – QUASI JUDICIAL:

**DISCLOSURE OF EX PARTE COMMUNICATIONS, IF ANY*
SWEARING IN OF WITNESSES**

12. **Public Hearing and First Reading of Ordinance No. 4895-20: Regarding a Future Land Use Map Amendment of ±5.53 acres located at 3600 Village Boulevard from Single Family to Community Service;**

Public Hearing and First Reading of Ordinance No. 4896-20: Regarding a rezoning of ±5.53 acres located at 3600 Village Boulevard from Residential Planned Development to Community Service, with a further rezoning to Community Service Planned Development;

Public Hearing of Resolution No. 105-20: Regarding the development regulations and conditions for the Village Boulevard Family Church Community Service Planned Development, and the granting of waivers of the Zoning and Land Development Regulations;

Public Hearing and First Reading of Ordinance No. 4897-20: Regarding a Future Land Use Map Amendment of ±30.82 acres located at 3600 Village Boulevard from Single Family to Multi-family Medium Density;

Public Hearing and First Reading of Ordinance No. 4898-20: Regarding a rezoning of ±30.82 acres located at 3600 Village Boulevard from Residential Planned Development to Multi-family Low Density Residential, with a further rezoning to Residential Planned Development; and

Public Hearing of Resolution No. 106-20: Regarding the development regulations and conditions for the Broadstone Lakeside Residential Planned Development, and the granting of waivers of the Zoning and Land Development Regulations.

The above-referenced requests are being made by Joni Brinkman, of Urban Design Kilday Studios, on behalf of First Baptist Church of WPB.

ORDINANCE NO. 4895-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF WEST PALM BEACH, FLORIDA, BY CHANGING THE FUTURE LAND USE DESIGNATION OF ±5.53 ACRES LOCATED AT 3600 VILLAGE BOULEVARD FROM SINGLE FAMILY TO COMMUNITY SERVICE; DECLARING THE PROPOSED AMENDMENT TO THE FUTURE LAND USE MAP TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4896-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF WEST PALM BEACH BY REZONING ±5.53 ACRES LOCATED AT 3600 VILLAGE BOULEVARD FROM A RESIDENTIAL PLANNED DEVELOPMENT ZONING DESIGNATION TO COMMUNITY SERVICE, WITH A FURTHER REZONING TO COMMUNITY SERVICE PLANNED DEVELOPMENT, TO CREATE THE VILLAGE BOULEVARD FAMILY CHURCH COMMUNITY SERVICE PLANNED DEVELOPMENT; PROVIDING FOR THE ESTABLISHMENT OF DEVELOPMENT REGULATIONS BY SEPARATE RESOLUTION; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REVISING THE ZONING MAP OF THE CITY ACCORDINGLY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 105-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ESTABLISHING THE DEVELOPMENT REGULATIONS, INCLUDING THE SITE AND LANDSCAPE PLANS, FOR THE VILLAGE BOULEVARD FAMILY CHURCH COMMUNITY SERVICE PLANNED DEVELOPMENT LOCATED AT 3600 VILLAGE BOULEVARD; GRANTING WAIVERS TO THE ZONING AND LAND DEVELOPMENT REGULATIONS; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4897-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF WEST PALM BEACH, FLORIDA, BY CHANGING THE FUTURE LAND USE DESIGNATION OF ±30.82 ACRES LOCATED AT 3600 VILLAGE BOULEVARD FROM SINGLE FAMILY TO MULTI-FAMILY MEDIUM DENSITY; DECLARING THE PROPOSED AMENDMENT TO THE FUTURE LAND USE MAP TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4898-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF WEST PALM BEACH BY REZONING ±30.82 ACRES LOCATED AT 3600 VILLAGE BOULEVARD FROM A RESIDENTIAL PLANNED DEVELOPMENT ZONING DESIGNATION TO MULTI-FAMILY LOW DENSITY RESIDENTIAL, WITH A FURTHER REZONING TO RESIDENTIAL PLANNED DEVELOPMENT, TO CREATE THE BROADSTONE LAKESIDE RESIDENTIAL PLANNED DEVELOPMENT; PROVIDING FOR THE ESTABLISHMENT OF DEVELOPMENT REGULATIONS BY SEPARATE RESOLUTION; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REVISING THE ZONING MAP OF THE CITY ACCORDINGLY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 106-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ESTABLISHING THE DEVELOPMENT REGULATIONS, INCLUDING THE SITE AND LANDSCAPE PLANS AND BUILDING ELEVATIONS, FOR THE BROADSTONE LAKESIDE RESIDENTIAL PLANNED DEVELOPMENT LOCATED AT 3600 VILLAGE BOULEVARD; GRANTING WAIVERS TO THE ZONING AND LAND DEVELOPMENT REGULATIONS; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22902

Staff Recommended Motion:

APPROVE Ordinance No. 4895-20, changing the Future Land Use designation of ±5.53 acres located at 3600 Village Boulevard from Single Family to Community Service, subject to the condition that development of the property be limited to 1,735 weekday daily trips or 173 weekday peak hour trips. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board and the findings that the request complies with the standards found in Policy 1.1.5 of the Future Land Use Element of the City's Comprehensive Plan.

APPROVE Ordinance No. 4896-20, changing the zoning designation of ±5.53 acres located at 3600 Village Boulevard from Residential Planned Development to Community Service, with a further rezoning to Community Service Planned Development. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board and the findings that the request complies with the Comprehensive Plan and the standards in Section 94-32 of the City's Zoning and Land Development Regulations.

DISCUSS Resolution No. 105-20, approving the development regulations and conditions for the Village Boulevard Family Church Community Service Planned Development, and granting waivers of the Zoning and Land Development Regulations. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board and the findings that the request complies with the Comprehensive Plan and the standards in Section 94-32 and 94-35 of the City's Zoning and Land Development Regulations.

APPROVE Ordinance No. 4897-20, changing the Future Land Use designation of ±30.82 acres located at 3600 Village Boulevard from Single Family to Multi-family Medium Density. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board and the findings that the request complies with the standards found in Policy 1.1.5 of the Future Land Use Element of the City's Comprehensive Plan.

APPROVE Ordinance No. 4898-20, changing the zoning designation of ±30.82 acres located at 3600 Village Boulevard from Residential Planned Development to Multi-family Low Density Residential, with a further rezoning to Residential Planned Development. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board and the findings that the request complies with the Comprehensive Plan and the standards in Section 94-32 of the City's Zoning and Land Development Regulations.

DISCUSS Resolution No. 106-20, approving the development regulations and conditions for the Broadstone Lakeside Residential Planned Development, and granting waivers of the Zoning and Land Development Regulations. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board and the findings that the request complies with the Comprehensive Plan and the standards in Section 94-32 and 94-35 of the City's Zoning and Land Development Regulations.

Background:

(The information provided below is a general summary. A full analysis is included in the Staff Report attached hereto as ATTACHMENT 1).

Located on the east side of Village Boulevard, approximately 0.7 miles south of 45th Street, the subject property consists of ±36.35 acres and is the current location of Family Church Village, a satellite campus of Family Church located near downtown West Palm Beach. Formerly the location of the Northwood Baptist Church (NBC), the property was acquired by NBC in 1983 with the existing building completed in 1990.

With plans for a significant expansion of their congregation, NBC developed an overall master plan for the entire property to increase their facilities from just under 23,000 square feet to approximately 223,000 square feet to accommodate a membership projection of over 1,700. This expansion and the associated master plan were all approved with the adoption of Ordinance No. 2706-94 on January 24, 1994, which rezoned the property from Single Family Low Density (SF7) Residential to Residential Planned Development (RPD). For various reasons, the expansion never came to fruition and the site has remained in the much of the same condition as it did after the original construction in 1990. In April 2017, the property was acquired by First Baptist Church of West Palm Beach (now known as Family Church), which continues to own the property and has been operating a satellite campus to their main facility near downtown.

Much of the subject property remains vacant open space, with the existing sanctuary and other church facilities located on a small percentage of the site. While maintaining a presence in the area and continuing operation of the church's satellite campus, Family Church has looked for ways to provide income and ensure longevity, ultimately deciding to remain in the existing facility but sell off ±30.82 acres of their property to Alliance Residential for private development as a multi-family residential community. The overall development plan is as follows:

- Maintain the existing church structure;
- Reconfigure the existing church parking, relocating some of the existing spaces to the south and west sides of the existing church (number of spaces to remain unchanged); and
- Construct a 280-unit multi-family development to the north and east of the existing church.

FUTURE LAND USE MAP AMENDMENTS | Ordinance Nos. 4895-20 and 4897-20:

The subject property currently has a SF FLU designation that originates to the time before the property was even acquired by NBC. It is believed that this designation was not changed in 1994 when the RPD and master plan were approved as religious institutions were allowed within single family districts through approval of a special use permit or a planned development. With the future redevelopment, the applicant is proposing to:

- Change the FLU designation for the ±30.82-acre tract (hereinafter referred to as the "residential tract") from the existing SF FLU designation to Multi-family Medium Density (MFMD) [Ordinance No. 4897-20]; and

- Change the FLU designation for the remaining ±5.53-acre tract (hereinafter referred to as the “church tract”) from SF to Community Service (CS) [Ordinance No. 4895-20].

REZONINGS | Ordinance Nos. 4896-20 and 4898-20 / Resolution Nos. 105-20 and 106-20:

In addition to the FLU amendments described above, the applicant is also requesting that the zoning on the property be amended as follows:

- Change the zoning of the church tract from RPD, which has an underlying zoning of Single Family Low Density (SF7) Residential, to CS with a further rezoning to Community Service Planned Development (CSPD) [Ordinance No. 4896-20 and Resolution No. 105-20]; and
- Change the zoning of the residential tract from RPD, which has an underlying zoning of SF7, to Multi-family Low Density (MF14) Residential, with a further rezoning to RPD [Ordinance No. 4898-20 and Resolution No. 106-20].

With both the CSPD and the RPD, the applicant is requesting waivers from the City's Zoning and Land Development Regulations.

Church Tract [Ordinance No. 4896-20 and Resolution No. 105-20]: As with the change in the FLU designation, the rezoning of the church tract to CSPD would allow it to continue as a religious facility while having a zoning designation that is consistent with such a use. The applicant is proposing to leave the existing structure as it is but relocate most of the parking that exists on the east side of the building and move it to the south and west. This will free up land along the lake for the residential development. The proposed site and landscape plans are provided in ATTACHMENTS XI and XII.

Residential Tract [Ordinance No. 4898-20 and Resolution No. 106-20]: With the reconfiguration of the existing parking lot, the church was able to make over 30 acres of their property available for a proposed multi-family development consisting of 280 dwelling units within six (6) mid-rise buildings that are four (4) stories (45 feet) in height. Additional improvements on the site include a minimum number of individual tenant parking garages, a mail kiosk, and a clubhouse for leasing and amenities. In order to provide for the development, the applicant is requesting that the property be rezoned to MF14, the City's lowest density in a multi-family district, with a further rezoning to RPD.

Traffic Impacts: In reviewing the applications, the City's Engineering Service Division reviewed the Traffic Impact Analysis and expressed concern regarding the increase in traffic that would be added to Village Boulevard and that mitigation measures would be necessary. Based upon this review, the Engineering Services Department recommended to the Planning Board that the developer be required to make several improvements, including the following:

- Construct a 12-foot shared-used path on Village Boulevard with 6-foot landscape buffer along site frontage;
- Construct a roundabout at the southern residential driveway; and
- Do away with the proposed exclusive right-turn lane on Village Boulevard at the southern residential driveway.

At the Planning Board hearing, after presentation by the Engineering Services Department Staff and discussion by the public and board, the Planning Board chose to exclude these conditions from their recommendation of approval. As such, they have not been included in Resolution Nos. 105-20 or 106-20. The Engineering Services Department Staff has been made aware that these conditions have not been included in the proposed Development Orders and may make a presentation to the City Commission requesting that similar or revised conditions be added into the Development Order to address their traffic concerns. CONCLUSION: The proposed modifications by the church and the construction of a multi-family residential community on the remaining portion of the property will certainly provide for an increase in activity in the area bringing an influx of new residents to a property that has remained mostly vacant for a long time. It could be argued that the proposed development may actually result in less impact than if the church had moved forward with the expansion approved in 1994. During peak usage, a significant number of people would have been accessing the facility. The residential development will bring new residents and a continued investment in the area. It is Staff's professional opinion that the requested waivers and the proposed development comply with the standards required by the City's Comprehensive Plan and Zoning and Land Development Regulations, and therefore is recommending approval, subject to the conditions set forth in Resolution Nos. 105-20 and 106-20.

PLANNING BOARD: After a Public Hearing on March 17, 2020, the Planning Board recommended approval (7-0), subject to the conditions contained in Resolution Nos. 105-20 and 106-20 (which do not include the conditions proposed by Engineering Services).

PUBLIC NOTICE: Individual notices were mailed to all property owners within 500 feet of the property, and signs were posted on the subject property. As required by Florida Statutes, Ordinance Nos. 4895-20 and 4897-20 were advertised on April 27, 2020. All ordinances and resolutions will also be advertised prior to second reading.

COMMISSION DISTRICT: The site is located within Commission District No. 2 – Commissioner Cory Neering.

Fiscal Note:

No fiscal impact.

ADJOURNMENT:

***Pursuant to Resolution No. 179-95, adopted according to the provisions of Section 286.0115, Florida Statutes, members of the Commission shall disclose on the record: 1) ex-parte communications - verbal or written and written communications shall be placed in the record; and 2) site visits, investigations, etc.**

NOTICE: IF ANY PERSON DECIDES TO APPEAL ANY DECISION OF THE CITY COMMISSION AT THIS MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR THAT PURPOSE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY OF WEST PALM BEACH DOES NOT PREPARE OR PROVIDE SUCH A RECORD.