



**City of West Palm Beach
City Commission**

**DRAFT
AGENDA**

**June 29, 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:

PROCLAMATION (1):

1. Proclaiming July as: National Recreation and Parks Month. Proclamation to be accepted by Leah Rockwell, Director of Parks and Recreation.
Agenda Cover Memorandum No.: 22949

PRESENTATIONS (2-3):

2. **Legislative update by State Representative David Silvers.**
Agenda Cover Memorandum No.: 22950
3. **Presentation by Supervisor of Elections Wendy Link regarding the upcoming elections.**
Agenda Cover Memorandum No.: 22951

COMMENTS BY THE MAYOR AND CITY COMMISSIONERS:

BUDGET UPDATE:

CONSENT CALENDAR (4-8):

4. **Minutes of the Regular City Commission Meeting of June 15, 2020.**
Agenda Cover Memorandum No.: 22952

Staff Recommended Motion:

Approve the Minutes of the Regular City Commission Meeting of June 15, 2020.

5. Resolution No. 181-20 approving an Underground Facilities Conversion Agreements with FPL at 202 N. Sapodilla Avenue.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN UNDERGROUND FACILITIES CONVERSION AGREEMENT BETWEEN THE FLORIDA POWER AND LIGHT COMPANY AND THE CITY OF WEST PALM BEACH FOR THE CITY-OWNED PROPERTY AT 202 N. SAPODILLA AVENUE; PROVIDING FOR AN EFFECTIVE DATE; AND OTHER PURPOSES.

Agenda Cover Memorandum No.: 22953

Staff Recommended Motion:

Approve Resolution No. 181-20.

Background:

As part of the Banyan Boulevard Complete Street project and by Resolution No. 170-20, the City of West Palm Beach granted an easement to FPL to underground overhead services at 202 N. Sapodilla Avenue. In order to proceed with the installation, the City must enter an agreement with FPL for the conversion of the underground facilities.

The City's Contribution-in-Aid-of-Construction (CIAC) cost as required by Florida Power and Light's Electric Tariff and Section 25-6.115 of the Florida Administration Code is \$10,618.

COMMISSION DISTRICT: District 3: Commissioner Christy Fox.

Fiscal Note:

Fully budgeted.

6. Resolution No. 185-20 ratifying the submittal of a grant application to the Robert Wood Johnson Foundation for \$561,332.68 in funding to develop "Healthy Streets" designs and policies.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RATIFYING THE SUBMITTAL OF A GRANT APPLICATION TO THE ROBERT WOODS JOHNSON FOUNDATION FOR A GRANT OF \$561,332.68 UNDER THE GLOBAL IDEAS 2020 PROGRAM FOR FUNDING TO DEVELOP HEALTHY STREET DESIGNS AND POLICIES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22954

Staff Recommended Motion:

Approve Resolution No. 185-20.

Background:

The City of West Palm Beach (City) continues to identify funding opportunities that align with its strategic goals. In addition, the City has developed a strong partnership with Florida Atlantic University (FAU). The partnership with FAU has leveraged philanthropic opportunities in the past that yield projects that have supported priorities set by the Mayor and City Commission.

Recently, faculty at FAU reached out to the City of West Palm Beach's Economic Development Department to determine if a grant opportunity from the Robert Wood Johnson Foundation (RWJF) was aligned with City priorities and strategic goals.

The RWJF grant opportunity, Global Ideas for U.S. Solutions: Cities Taking Action to Address Health, Equity, and Climate Change, was seeking applicants who represent organizations from a wide range of fields and disciplines- both within and outside the health/public sector. RWJF encouraged proposals from both U.S.-based applicants to adopt or adapt a successful approach from outside the United States, and from non-U.S.-based applicants with a successful approach that could work in the United States. RWJF encouraged submissions from teams that include both U.S.-based and non-U.S.-based members. RWJF seeks to attract diversity of thought, professional background, race, ethnicity, life experience, and cultural perspective in our applicant pool.

After careful consideration with FAU about the type of project that would align grant goals with City strategic goals, FAU and the City concluded that the "Healthy Streets" would be best. FAU developed a proposed project with four activities and deliverables:

1. To help focus administrative attention and spur innovation, we propose that West Palm Beach selects the north east area neighborhoods from Banyan Boulevard to 59th Street, Lakes to Intracoastal to pilot a new healthy resilient street template. To ensure equity as a core goal, the areas will be a lower-income, minority area with the exact scoping definition to be determined.
2. A multi-sectoral team will work to help integrate local needs into design templates that help to create safer, climate adapted street systems. The multi-sectoral team will focus on transportation, health, water management, and equity. Team members include:
 - a. City of West Palm Beach
 - b. Florida Atlantic University
 - c. Harvard University
 - d. University of Amsterdam
 - e. Healthy Streets, LLC
3. Grant funding will be used to leverage existing city capacity to address these issues by supporting staff (the Project Director) in the City to work on the project for approximately two and a half years. The goal will be to test selected roadways and establish a new design framework for healthy resilient streets that can be integrated into broader use after the grant period across the city and in other communities.

4. Officials in West Palm Beach will also share peer-to-peer lessons in a structured process with other communities interested in learning the approach in partnership with Florida Atlantic University's Center for Urban and Environmental Solutions and a joint webinar series between FAU and C40 Cities. This work will be augmented by a solid research element that will create a solid evidentiary base to evaluate program activities.

The City of West Palm Beach, with support from Florida Atlantic University, developed the application around this plan, allocating a portion of the grant dollars to a dedicated staff member that will be dedicated to the project. Other project cost paid for by the grant include the Universities and Healthy Streets. Non-personal costs include travel, equipment for the dedicated staff member, meeting expenses, polls / surveys and communications. The total grant proposal totals \$561,332.68.

The grant aligns with several goals in several City plans. The following are the list of goals that align with the RWJF grant:

1. City of West Palm Beach Strategic Plan
 - a. Pillar 1: Built Environment
 - b. Pillar 2: Climate & Energy
 - c. Pillar 4: Economy & Jobs
 - d. Pillar 5: Equity & Empowerment
 - e. Pillar 6: Health & Safety
2. Economic Development Plan 2020
 - a. Goal 3: Infrastructure
 - b. Goal 4: Quality of Place
3. Sustainability Efforts and Action Items
 - a. LEED City Certification Efforts
 - b. Net Zero Initiative
 - c. Tree Canopy Program

If the City is successful in being awarded the RWJF grant, work will occur over a two-and-a-half-year timeline. Funding is intended to begin starting November 2020. Finalist will be notified by September 2020. Project would commence with funding lasting until May 2023 when the project and staffing would sunset.

The RWJF grant deadline was May 28, 2020 and the City was able to submit a completed application. Semifinalists will be notified July 2020 and asked to address questions in scheduled telephone calls with RWJF staff.

COMMISSION DISTRICT: The grant study areas include Commission Districts 1 and 3, represented by Commissioner Kelly Shoaf and Commission Christy Fox, respectively.

Fiscal Note:

The grant requires no match from the City.

7. Resolution No. 186-20 ratifying the submittal of a grant application to the Department of Economic Opportunity for a grant of \$40,000 under the Community Planning Technical Assistance Funding Program.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RATIFYING THE SUBMITTAL OF A GRANT APPLICATION TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY FOR A GRANT OF \$40,000 UNDER THE COMMUNITY PLANNING TECHNICAL ASSISTANCE FUNDING PROGRAM TO DEVELOP A VISIONING PLAN FOR THE WEST PALM BEACH CENTER FOR ARTS AND TECHNOLOGY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22955

Staff Recommended Motion:

Approve Resolution No. 186-20.

Background:

The City of West Palm Beach is regularly notified of grant opportunities. Recently, the Department of Economic Development Opportunity (DEO) announced an opportunity for a Community Planning Technical Assistance (CPTA) grant.

CPTA grants provide counties, municipalities and regional planning councils opportunity to create innovative plans and development strategies to promote a diverse economy, vibrant rural and suburban areas and meet the requirements of the Community Planning Act. Project types that are appropriate for this grant relate to community planning and economic development strategies that implement the requirements in the Community Planning Act. Previous grant projects include, but are not limited to visual imaging for public projects; community redevelopment area plans and land development regulations; sea level rise impacts to stormwater outfalls in the Indian River Lagoon; amendments to comprehensive plans and land development regulations; and master plans for recreation, neighborhoods, infrastructure, urban design, etc. Applicants are encouraged to seek funding for innovative, creative or unique approaches to planning and development.

A main redevelopment and economic development effort for the City and CRA is the West Palm Beach Center for Arts and Technology (WPB-CAT). The proposed effort from the Economic Development Division was to pursue an application centered around the WPB-CAT while taking advantage of the City's partnership with Florida Atlantic University. The Board Chair, Jeri Muoio, was approached about partnering on this project and agreed to participate. A second meeting was established with FAU's schools of architecture and center for urban planning and design. The tri-party effort among the City, WPB-CAT, and FAU was to submit a grant application for a Visioning Plan for the WPB-CAT that would illustrate and lay out details to include how the WPB-CAT would be integrated into the Historic Northwest, facility renderings, and a site plan.

City Staff, WPB-CAT, and FAU determined that a Vision Plan would help on several fronts. First, the plan would help understand what type of facility would be needed and gather critical feedback from the community regarding what they would like included. Second, the information is needed to begin a robust funding effort by the WPB-CAT. The information will provide a predictable road map to scale the programs for the community to use. Lastly, the grant funding can be one of the initial sources to help leverage the \$5 million set aside by the Community Redevelopment Agency. The information identified will help the City's CRA to further understand how to deploy the funding.

If awarded, the CPTA grant will be a one-year project beginning July 2020, concluding May 2021 per the direction from the DEO. The City has requested a grant amount of approximately \$40,000 to complete the Visioning Plan. The cost breakdown is listed below:

- Florida Atlantic University: \$25,500
- Other Direct Costs: \$10,000
- FAU In-direct Costs: \$4,500
- **Total:** **\$40,000**

COMMISSION DISTRICT: Commission District 1: Commissioner Kelly Shoaf.

Fiscal Note:

No matching City funds required.

8. **Resolution No. 193-20 approving acceptance of a grant from the Department of Justice Bureau of Justice Statistics and the Federal Bureau of Investigation through the Florida Department of Law Enforcement to assist with the costs of complying with the federal mandates regarding Uniform Crime Report and other data submissions; approving the justification for a sole source procurement for the WPB Florida Incident Based Reporting Systems Implementation; and approving the request for the contractor's rates.**

Resolution No. 194-20(F) Resolution providing for the receipt and appropriation of Sixty-Nine Thousand Seven Hundred Dollars (\$69,700) in grant funding.

RESOLUTION NO. 193-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A GRANT FROM THE DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE STATISTICS, AND THE FEDERAL BUREAU OF INVESTIGATION THROUGH THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT TO FACILITATE COMPLIANCE WITH FEDERAL MANDATES REGARDING UNIFORM CRIME REPORTING; APPROVING SUBMITTAL OF A REQUEST FOR A SOLE SOURCE JUSTIFICATION; APPROVING SUBMITTAL OF A REQUEST FOR EXEMPTION FROM THE CONTRACTOR RATE TERM; PROVIDING FOR AN EFFECTIVE DATE; AND OTHER PURPOSES.

RESOLUTION NO. 194-20(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 RECOGNIZE RECEIPT OF FUNDS FROM THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT AND TO PROVIDE APPROPRIATIONS FOR THE EXPENDITURES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22956

Staff Recommended Motion:

Approve Resolution Nos. 193-20 and 194-20(F).

Background:

On 12/20/2019, Resolution No. 412-19 was approved by the City Commission and authorized the submittal of the grant application to fund the costs associated with updating Uniform Crime Reporting methods in accordance with federal mandates. The grant is from the Department of Justice Bureau of Justice Statistics and is passing through the Florida Department of Law Enforcement. The City was awarded the grant funding on June 11, 2020.

The objective of the WPB Florida Incident Based Reporting Systems (FIBRS) Implementation project is to prepare the West Palm Beach Police Department document files to collect and submit data identified by the Florida Department of Law Enforcement as necessary for FIBRS to the State on a monthly basis and for effectively implementing those modifications. Grant funds will be used for contracting with database providers to assist with the transfer of data to the FIBRS system and for staff training.

Grant period is from March 27, 2020 through September 30, 2021, project title: WPB FIBRS IMPLEMENTATION. Subgrant number 2020-NCSX-PALM-1-D6-002.

The Police Department has determined that to complete the project within the grant deadline, it must utilize the current records management system vendor for the Police Department, Superion, rather than competitively solicit a contract

The Police Department desires that the sole source justification for use of the current records management system vendor be approved.

A special condition of this grant states that the award does not allow for any consultant rate to exceed \$650 per day. The FIBRS Project will require experienced programmer and analysts with rates in the \$100 to \$200 per hour range. Accordingly, the Police Department desire to request the ability to retain contracted services at the previously agreed upon hourly rate outlined in the existing contract with our vendors.

Resolution No. 193-20 approves acceptance of the grant and authorizes execution of the grant acceptance, approves the sole source justification to be submitted for approval to allow the use of the current vendor and authorizes execution of the justification approval form, and approves the request for an exception to the contractor rate term and authorized execution of the request form.

Resolution No. 194-20(F) accepts and appropriates the grant funds in the amount of \$69,700. There is no grant match required.

Fiscal Note:

Approval will provide grant funding of \$69,700 and no match requirement.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

RESOLUTIONS (9-10):

9. **Resolution No. 133-20 approving a Smart Loading Zone Pilot Program with Coord to evaluate the management of commercial flex zones/ loading areas in the Rosemary Square vicinity.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SMART LOADING ZONE PILOT PROGRAM; AUTHORIZING AN AGREEMENT WITH COORD TO PROVIDE SUCH PILOT PROGRAM; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22957

Staff Recommended Motion:

Approve Resolution No. 133-20.

Background:

The future in transportation (traffic) management is managing the demand at the curb. The curbsides, including parking and loading regulations, have traditionally been parking meters, loading zones, no parking and unmetered parking residential areas. There is increasing concern for balancing the needs for all roadway users, the demand for curb pickups and drop offs, and the growth of transportation network companies (TNCs) like Uber and Lyft. West Palm Beach has recognized the value of curbsides as flexible zones. A curbside management system is a way to make sure that a shift to sustainable citywide mobility does not come at the expense of quality public space or business needs.

To support the Rosemary Square street design changes, the City of West Palm Beach has eliminated all metered parking spaces along Rosemary Avenue from Hibiscus Street to Okeechobee Boulevard, additional portion of Hibiscus Street and Gardenia Street, and introduced flex zones along the corridor.

Sec. 66-74 of the Procurement Code allows the City to evaluate new or innovative products, technologies and services through a demonstration or pilot program for a product, technology or service without competitive selection. Such pilot program may not exceed one year and may not cost the City more than \$25,000 to implement. The vendor shall have a written agreement with the City. Upon completion of the pilot program, any vendor equipment or other installation shall be removed. The demonstration will in no way, express or implied, obligate the City to purchase, rent, lease, contract for or otherwise acquire the goods, equipment, technology or service demonstrated. The applicable City department evaluating the pilot program shall provide a written report of its evaluation to the procurement official. In the event the City decides to procure the goods or services demonstrated by the pilot program, a formal request for proposals, or other form of competitive selection, shall be issued by the City to receive proposals for similar goods, technologies or services. There will be no advantage given to the firm that participated in the pilot program. The lobbying prohibitions of the Procurement Code apply to demonstrations and pilot programs; accordingly, vendors of products and services being evaluated by the City under pilot programs or demonstrations are prohibited from lobbying the Mayor or City Commissioners.

The City wishes to conduct a pilot program with Coord to study Smart Loading Zone. The Smart Loading Zone Pilot Program leverages technology to provide fleet drivers with the information and incentives to load in locations where it is permitted. In these programs, loading space is designated a “smart loading zone” and dedicated for use by participating commercial vehicles. During the pilot period, the City will determine rules and regulations for the flex zones, such as which categories of commercial drivers may use zones, time limits, and prices.

The Smart Loading Zone pilot program objectives are:

1. To study methods to improve the coordination, safety, compliance and convenience of commercial loading in the City of West Palm Beach.
2. To study methods to improve the loading experience for both delivery companies and local brick and mortar businesses.
3. To test the provision of mobile and online applications as a tool for efficient real time communication of loading zone locations.
4. To determine if parking and curb management policies are needed; and to obtain data to support such determination.
5. To determine if a fee structure for commercial vehicles will impact usage of curb space in the City of West Palm Beach.
6. To provide Coord with feedback and program performance information to refine and optimize smart loading zone program performance.

Coord is a New York-based mobility company that helps cities with tools to digitally inventory, allocate, price and operate the curb. Coord offers a comprehensive curb management platform, with the tools to digitally inventory, price, allocate and manage the curb which appears to offer a technology that will allow the City to study the feasibility of loading zone management and if any efficiencies are gained, and to provide data to determine if a parking and curb management policy and fee structure should be recommended.

The proposed study limits are along Rosemary Avenue from Hibiscus Street to Okeechobee Boulevard, additional portion of Hibiscus Street and Gardenia Street. The City of West Palm Beach will support the Smart Loading Zone Pilot Program by providing staff time, temporary signage, enforcements and program promotions as defined by the pilot. Coord will provide technology access to the Coord curb management platform and technical support throughout the pilot program. As joint contributions, the program team shall consist of City of West Palm Beach and Coord staff on the following programming elements:

1. Project Management
2. Program Planning
3. Outreach and Engagement
4. Implementation
5. Evaluation

As part of the pilot program, the City and Coord may wish to charge fees to firms for the use of the smart loading application. If such determination is made, a proposed user fee schedule will be brought to the City Commission for approval.

The project team will update the City Commission periodically throughout the Pilot Program. At the end of the pilot program, all pilot program technology shall be removed. Engineering Services shall provide a written report of its evaluation to the Procurement Official. Engineering Staff will also recommend policies for loading zone and curb management and technology integrations to enhance transportation and mobility in the City of West Palm Beach. Should Engineering Staff conclude that loading zone/curb management technology will be useful to purchase, the City will issue a competitive procurement for such technology.

COMMISSION DISTRICT: Commission District 3: Commissioner Christy Fox.

Fiscal Note:

No fiscal impact. The Pilot Program is not anticipated to have any direct cost to the City.

- 10. Resolution No. 140-20 authorizing the abandonment of a utility easement over Lots 11 and 15, Re-Subdivision of Blocks G & H, Prospect Park South located at 3215 Vincent Road.**

RESOLUTION NO. 140-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, VACATING AND ABANDONING A 6 FOOT UTILITY EASEMENT WITHIN THE PROPERTY LOCATED AT 3215 VINCENT ROAD; AUTHORIZING THE MAYOR TO SIGN A DISCLAIMER OF INTEREST IN SUCH UTILITY EASEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22958

Staff Recommended Motion:

Approve Resolution No. 140-20.

Background:

In 1921, the Plat of Re-subdivision of Blocks G & H, Prospect Park South created a 6-foot utility easement between Lots 11 and 15. The current owner, Damien Barr, is proposing an addition to his residence and requested the easement abandonment. A new easement has been granted to the City for the relocation of an existing water main of which the owner is incurring all associated costs. All of the other utility companies have signed off on the abandonment. The easement is no longer needed for City purposes and the abandonment is consistent with the City's Comprehensive Plan. Approval of Resolution No. 140-20 approves the abandonment of the easement and will allow for the expansion of the current residence.

COMMISSION DISTRICT: The subject property is in Commission District No. 3: Commissioner Christy Fox.

Fiscal Note:

No fiscal impact.

**PUBLIC HEARING – QUASI JUDICIAL (11-13):
DISCLOSURE OF EX PARTE COMMUNICATIONS, IF ANY*
SWEARING IN OF WITNESSES**

- 11. Public Hearing of Resolution No. 157-20: A request by Donna Isham, on behalf of Tamara Rabil, for the approval of a Class A Special Use Permit granting a waiver for the length of a proposed dock. The existing single-family home is located at 3010 North Flagler Drive.**

RESOLUTION NO. 157-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CLASS A SPECIAL USE PERMIT TO CONSTRUCT A DOCK ON THE PROPERTY LOCATED AT 3010 NORTH FLAGLER DRIVE; DECLARING THE DEVELOPMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; GRANTING WAIVERS TO THE ZONING AND LAND DEVELOPMENT REGULATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22959

Staff Recommended Motion:

Approve Resolution No. 157-20, approving a Class A Special Use Permit, with conditions, and granting waivers, for the construction of a dock at 3010 North Flagler Drive. This motion is based upon the staff report, the testimony given, the recommendation of the Planning Board, along with the findings that the request complies with the Comprehensive Plan and the applicable standards in Sections 94-36(e)(3) through (5), 94-313(a)(3) and 94-273(a)(2) 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 I.)

The subject property is located on North Flagler Drive, just north of 29th Street. The property consists of a single-family residential dwelling unit, with an accessory dock located at the rear of the property. The applicant is seeking a Class A Special Use Permit to construct the dock, with one (1) waiver request for the length of the dock structure, which will be similar in length to that of the existing docks in the area. The survey of the property is provided in ATTACHMENT II and the proposed dock plan is provided in ATTACHMENT III.

According to the proposed dock plan, the proposed length of the dock will be 156 feet. Pursuant to Section 94-313(a)(3)(i) of the Zoning and Land Development Regulations (ZLDRs), the City requires that all residential docks not exceed 100 feet in length. The additional 56 feet in length to the proposed dock is necessary to accommodate a new 70 foot yacht and 24,000-pound capacity vertical boat lift at the terminus of the proposed structure and to provide adequate water depth for vessels at mean low tide, so as not to create dredging of the bottom or to damage marine life.

It is Staff's professional opinion that the additional dock length is necessary to reasonably accommodate the new boat slip and avoid damage to the environment. Since the proposed length of the dock is negligible, it is also not expected to adversely impact the surrounding properties. With exception of the proposed waiver request, the dock has been found to conform to all the provisions of the City's ZLDRs. As such, Staff is recommending approval of the request, subject to the conditions outlined in the staff report.

STANDARDS: The request conforms to the provisions of Sections 94-36(e)(3) through (5), 94-313(a)(3) and 94-273(a)(2) of the City's Zoning and Land Development Regulations.

PUBLIC NOTICE: Individual notices were mailed to all property owners within 500 feet of the property and a sign was posted on the property. The item was also advertised in the Palm Beach Post on June 16, 2020.

PLANNING BOARD: The Planning Board recommended APPROVAL (7-0) of the request, with Staff's conditions, to the City Commission after a Public Hearing on May 19, 2020.

COMMISSION DISTRICT: The subject property is located within Commission District No. 1: Commissioner Kelly Shoaf.

12. **Public Hearing of Resolution No. 169-20: A request by Joni Brinkman, of Urban Design Kilday Studios, on behalf of Palm Beach Atlantic University, Inc., for a Minor Subdivision to approve the plat entitled "Palm Beach Atlantic University Residential Dormitory", generally located at the northeast corner of Pembroke Place and South Dixie Highway.**

RESOLUTION NO.: 169-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA APPROVING A MINOR SUBDIVISION (REPLAT) OF REAL PROPERTY TO CREATE THE PLAT ENTITLED "PALM BEACH ATLANTIC UNIVERSITY RESIDENTIAL DORMITORY", CONTAINING A TOTAL OF APPROXIMATELY 2.296 ACRES LOCATED AT THE NORTHEAST CORNER OF PEMBROKE PLACE AND SOUTH DIXIE HIGHWAY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22960

Staff Recommended Motion:

Approve Resolution No. 169-20, creating the plat entitled "Palm Beach Atlantic University Residential Dormitory". This motion is based upon the application submitted, the staff report, factual testimony, and the findings that the request complies with the Comprehensive Plan and the standards in Section 94-342 of the City's Zoning and Land Development Regulations.

Background:

The subject property, located on the northeast corner of Pembroke Place and South Dixie Highway, consists of approximately 2.296 acres and is a part of the Palm Beach Atlantic University Community Service Planned Development (CSPD). On January 28, 2019, the City Commission approved a Major Amendment to the CSPD (Resolution No. 16-19) to provide for the construction of a 510-bed residential dormitory. As part of the conditions of approval for the dormitory, the applicant was required to replat the property. The applicant is now requesting that the property be platted to satisfy such requirement. It is Staff's professional opinion that the proposed plat complies with the standards required by the City's Comprehensive Plan and the Subdivision General Design Standards required by Section 94-342 of the City's Zoning and Land Development Regulations.

PLANNING BOARD: As a Minor Subdivision, the subject plat was not required to be reviewed by the City's Planning Board.

PUBLIC NOTICE: Individual notices were mailed to all property owners within 500 feet of the property, and signs were posted on the subject property. Resolution No. 169-20 was also advertised in the Palm Beach Post on June 19, 2020.

COMMISSION DISTRICT: The subject property is located within Commission District No. 3: Commissioner Christy Fox.

Fiscal Note:

No fiscal impact.

- 13. Public Hearing and First Reading of Ordinance No. 4902-20: Regarding the transfer of the site plan approvals and development conditions and regulations relating to the Airport Industrial Park Commercial Planned Development (CPD) to a separate resolution; and**

Discussion of Resolution No. 171-20: Approving a Major Amendment to the Airport Industrial Park Commercial Planned Development (CPD) revising the sign plan and renaming the Planned Development as the Servico Commercial Planned Development (CPD).

All of the above-referenced items are being requested by Brian Seymour and Joshua Long of Gunster, on behalf of Retro Fitness.

ORDINANCE NO. 4902-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING ORDINANCES NOS. 1438-79, 1534-80, 1618-82, 1716-83, 1863-85; 2209-88 AND 2642-93, AS AMENDED, RELATING TO THE AIRPORT INDUSTRIAL PARK COMMERCIAL PLANNED DEVELOPMENT, LOCATED AT 1601 BELVEDERE ROAD, TO TRANSFER THE SITE PLAN APPROVALS AND RELATED CONDITIONS TO A SEPARATE RESOLUTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 171-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, CONSOLIDATING THE DEVELOPMENT REGULATIONS AND APPROVING A MAJOR AMENDMENT TO THE AIRPORT INDUSTRIAL PARK COMMERCIAL PLANNED DEVELOPMENT, LOCATED AT 1601 BELVEDERE ROAD, REVISING THE SIGN MASTER PLAN, AND RENAMING THE PLANNED DEVELOPMENT AS THE SERVICO COMMERCIAL PLANNED DEVELOPMENT ; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22961

Staff Recommended Motion:

Approve Ordinance No. 4902-20, transferring the site plan and related conditions for the Airport Industrial Park CPD to a separate resolution on First Reading. This Motion is based upon the application submitted, the staff report and recommendation of the Planning Board, the finding that the request complies with the Comprehensive Plan and the standards of Section 94-32 of the City's Zoning and Land Development Regulations.

Discuss Resolution No. 171-20, which will approve a Major Amendment to the Airport Industrial Park CPD to revise the sign plan and rename the CPD as the Servico CPD. Consideration will be based upon the factual testimony presented, the application submitted, the staff report and recommendation of the Planning Board, along with the finding that the standards of Section 94-32 of the Zoning and Land Development Regulations have been met.

Background:

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

The Servico CPD is comprised of an approximately 7.87-acre parcel at the northwest corner of Belvedere Road and Australian Ave. The property, which has been designated a CPD since 1979, was originally rezoned from "C-3" (Commercial Industrial District) and "C-1" (Neighborhood Shopping District) to CPD as part of the Centrepark West/Industrial Park Planned Development (AKA Airport Industrial Park Planned Development) by City of West Palm Beach in Ordinance No. 1438-79. The underlying zoning for the CPD was identified as General Commercial (GC). According to the Applicant's Justification Statement, the applicant is now seeking to amend the allowed wall signage on wall identification signs facing Belvedere Road.

In September 1980, Ordinance 1534-80 amended the planned development to permit the development of the subject property, Servico CPD, for office and hotel use. The CPD was further amended by Ordinances 1618-82 and 1716-83, before the Servico Planned Development was constructed in 1983. The site, which consists of the original structures built in 1983, contains 189,103 square feet of hotel use, 110,795 square feet of office use, and a 47,583 square foot parking garage. Servico CPD was subsequently amended by Ordinances 1863-85, 2209-88, and 2242-93. The most recent amendment to the planned development, 2242-93, amended the sign program language to allow for façade signage fronting Belvedere Road on the hotel and office towers. This sign program approved four (4) total wall signs facing Belvedere Road. At the time this sign program was approved, the signage exceeded the allowed amount of signage by the underlying zoning. Since adoption, signage regulations have become less restrictive for General Commercial (GC) properties. No known record exists of why the Servico Planned Development signage regulations were written specifically for façade signs facing Belvedere Road. Whereas the language adopted in 1993 allowed a total of 760 square feet of signage facing Belvedere Road on the site, if approved the proposed change would allow a total of 1000 square feet of signage facing Belvedere Road. The total allowed signage for the office building would increase by 240 square feet, while the hotel signage would remain the same. If no language in the CPD existed for signage, the signage would be regulated by the GC sign regulations. Pursuant to Sec. 94-409 of the Zoning and Land Development Regulations, each office tower, with approximately 8,360 square footage of façade would be allowed 639.1 square feet of signage facing Belvedere Road. The applicant's request for an amended total of 600 square feet of signage total for the office uses is far below the 1278.2 square feet total that would be allowed by right under GC code.

CONCLUSION: In Staff's professional opinion, the proposed amendment to the Servico CPD complies with the standards required by the City's Comprehensive Plan and the Zoning and Land Development Regulations. Therefore, Staff is recommending approval.

PLANNING BOARD: After a Public Hearing on April 21, 2020, the Planning Board unanimously recommended approval (7-0) of the request.

Individual notices were mailed to all property owners within 500 feet of the property and signs were posted on the subject property. Ordinance No. 4902-20 and Resolution No. 171-20 will be advertised in the Palm Beach Post in advance of Second Reading.

COMMISSION DISTRICT: The Servico CPD is in Commission District No. 5: Christina Lambert.

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.