



**City of West Palm Beach
City Commission**

PASS/FAIL AGENDA

**January 25, 2021
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:

APPOINTMENTS (1-2): ALL APPOINTMENTS APPROVED

1. **City Commission approval is requested for the Mayor's reappointment of Leesa Conley-Harding to the Library Board for a term of three (3) years to expire on January 28, 2024. It is required that the City Commission approves Ms. Conley-Harding's reappointment.**
Agenda Cover Memorandum No.: 23189
2. **City Commission approval is requested for the Mayor's reappointment of Tanzanika Lillard as Regular member to the West Palm Beach Housing Authority for a term of four (4) years to expire January 4, 2025. It is required that the City Commission confirms Ms. Lillard's appointment.**
Agenda Cover Memorandum No.: 23190

Background:

Ms. Lillard was originally appointed to the West Palm Beach Housing Authority on June 18, 2019, and she is currently serving under Resident membership. The Mayor is now appointing her as a Regular member.

PRESENTATION FROM MAYOR'S TASKFORCE FOR RACIAL AND ETHNIC EQUALITY: PRESENTED

CONSENT CALENDAR (3-7): ALL CONSENT ITEMS (3-7) APPROVED

3. **Minutes of the Regular City Commission Meeting of December 28, 2020.**
Agenda Cover Memorandum No.: 23191

Staff Recommended Motion:

Approve the Minutes of the Regular City Commission Meeting of December 28, 2020.

4. **Resolution No. 3-21 authorizing the assessment of city liens in the total amount of \$41,600.11 for unpaid water service, sewer service, and stormwater service charges for the month of October 2020.**

RESOLUTION 3-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING AN ASSESSMENT OF CITY LIENS FOR UNPAID WATER SERVICE, SEWER SERVICE, AND STORMWATER SERVICE; PROVIDING THAT SAID LIENS SHALL BE PRIOR IN DIGNITY TO ALL OTHER LIENS AGAINST THE ASSESSED PROPERTIES, SAVE AND EXCEPT A LIEN FOR TAXES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23192

Staff Recommended Motion:

Approve Resolution No. 3-21.

Background:

In accordance with the Code of Ordinances of the City of West Palm Beach, Florida, 2003, Sections 90-4 and 90-5, the City imposes liens on private real property for delinquent payments due for utility services. The liens to be assessed by Resolution No. 3-21 are for unpaid water service, sewer service, and stormwater service charges for the month of October 2020. The list of properties to be assessed and the associated charges totaling \$41,600.11 are in EXHIBIT A - Utility Lien List - October 2020. If not paid, these liens may be foreclosed by the City.

Fiscal Note:

No fiscal impact.

5. **Resolution No. 4-21 accepts a grant and approves a grant agreement between the City and Florida Humanities Council, Inc. to present "Southern Foodways" programming at the Mandel Public Library of West Palm Beach during Fiscal Year 2020/2021.**

Resolution No. 5-21(F) accepts funding in the amount of \$2,500 from Florida Humanities Council, Inc. to present "Southern Foodways" programming at the Mandel Public Library of West Palm Beach during Fiscal Year 2020/2021.

RESOLUTION NO. 4-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A GRANT FROM THE FLORIDA HUMANITIES COUNCIL, INC., IN THE AMOUNT OF \$2,500 TO FUND THE SOUTHERN FOODWAYS PROGRAM AT THE MANDEL PUBLIC LIBRARY OF WEST PALM BEACH; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 5-21(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 2020/2021 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 ACCEPT A CONTRIBUTION FROM FLORIDA HUMANITIES COUNCIL, INC. AND TO PROVIDE APPROPRIATIONS FOR SOUTHERN FOODWAYS PROGRAMMING FOR ADULTS FOR ONE (1) YEAR; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23193

Staff Recommended Motion:

Approve Resolution No. 4-21 and Resolution No. 5-21(F).

Background:

The Mandel Public Library of West Palm Beach applied for and was awarded a \$2,500 grant to provide a number of programs in 2021, which highlight the various cultures that have created what we think of today as Southern food. The theme for the proposed slate of programs is "Southern Foodways and the Cultures That Shape Southern Food". Southern food did not happen overnight, rather it is the result of a myriad of cultures, persons, plants, animals, and preferences coming together to create something delicious. Just as West Palm Beach is a city filled with a variety of vibrant cultures, so is Southern food. Included in the slate of programs is:

- 1) Lectures by humanities-based experts in Indigenous, Caribbean, African-American, Jewish, and Latinx cultures. An expert on these cultures will discuss their research and understanding of these unique foodways. Ideally the lectures will be held in-person in the library; however, if that is not possible, they will be live-streamed on Zoom. To ensure that all patrons will be able to have access to these lectures, they will be recorded and uploaded to YouTube two (2) weeks after the event has happened.

- 2) Culture Packs that highlight these different cultures. Cookbooks, travel guides, history books, biographies, documentaries, and even some takeout menus from local restaurants of a particular culture would be packaged into easy-to-grab tote bags for patrons to check out all at once.
- 3) Grab and Go Seed Kits featuring a plant that is important to each Foodway. Plants that have helped to shape the food of these cultures will be made available to our patrons. Each kit will have at least five (5) seeds, a list of instructions, and a recipe for the plant when harvested. Seeds included will be pigeon peas (Caribbean Foodways), collard greens (Africa-American Foodways), dill (Jewish Foodways), black beans (Latinx Foodways), and a special pack of the “Three Sisters”: corn, squash, and a bean (Indigenous Foodways).
- 4) A Community Cookbook. At the end of each program (if held in person), and continuously on our website, patrons will be able to submit their family recipes for inclusion into the Mandel Public Library Community Cookbook. Patrons will be encouraged to send in their recipes, along with a brief description of the dish or of a family memory attached to the dish, and a specific culture that dish is attached too. At the conclusion of the events, the recipes will be collected into a digital cookbook anyone can download, and a physical copy will be printed up and added to the Library’s physical collection.

Fiscal Note:

Approval recognizes grant proceeds and provides appropriations for Southern Foodways programming.

6. **Resolution No. 21-21 approving an Agreement with Skip Jackson Tennis, Inc., for the Use, Operation, and Management of the South Olive Park Tennis Center.**

RESOLUTION NO. 21-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND SKIP JACKSON TENNIS, INC. FOR THE USE, OPERATION, AND MANAGEMENT OF THE SOUTH OLIVE PARK TENNIS FACILITIES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23194

Staff Recommended Motion:

Approve Resolution No. 21-21.

Background:

In November 2013, the City of West Palm Beach solicited proposals from qualified contractors to serve as Tennis Professionals for the City's tennis programs at South Olive, Howard, and Gaines Parks. Mr. Skip Jackson was selected to continue providing tennis programs, operations, and management of the South Olive Tennis Center. Mr. Jackson's contract has expired and with the current pandemic and with the new South Olive Tennis Center building under construction, staff would like to enter into a new short-term contract with Mr. Jackson for continuity of services.

Mr. Jackson and his assistants have a very successful ladies league tennis program, youth clinics, round robins, group and private lessons serving the tennis community. Mr. Jackson will be required to pay the City a monthly fee of \$400 for use of the facility. He must also provide financial and statistical information to the City on a monthly basis and will be required to offer a variety of low-cost/no-cost clinics and programs, due to the funding support received from Community Development Block Grant funds to build the tennis center. This contract is for a term not to exceed one (1) year; however, the Agreement will terminate earlier if a Certificate of Occupancy is issued for the South Olive Tennis Center renovation.

Commission District 5: Commissioner Christina Lambert.

Fiscal Note:

Approval will provide monthly payments to the City in the amount of \$400.

7. **Resolution No. 23-21 approving a Landscape Maintenance Memorandum of Agreement (MMA) with the Florida Department of Transportation (FDOT) for State Road 704 (Okeechobee Boulevard) for upgraded pedestrian facilities at the intersection of Okeechobee Boulevard and South Rosemary Avenue adjacent to Rosemary Square; and**

Resolution No. 24-21 approving a Right-of-Way Maintenance Agreement with CityPlace Retail, LLC.

RESOLUTION NO. 23-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A LANDSCAPE MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR STATE ROAD 704 (OKEECHOBEE BOULEVARD) TO CONSTRUCT IMPROVEMENTS WITHIN THE NORTH SIDE OF THE RIGHT-OF-WAY, GENERALLY AT THE INTERSECTION OF OKEECHOBEE BOULEVARD AND SOUTH ROSEMARY AVENUE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 24-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING EXECUTION OF A RIGHT-OF-WAY MAINTENANCE AGREEMENT WITH CITYPLACE RETAIL, LLC, TO MAINTAIN A PORTION OF STATE ROAD 704 (OKEECHOBEE BOULEVARD); PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23195

Staff Recommended Motion:

Approve Resolution No. 23-21 and Resolution No. 24-21.

Background:

As part of the rebranding to Rosemary Square, CityPlace Retail, LLC, upgraded the pedestrian facilities at the intersection of Okeechobee Boulevard and South Rosemary Avenue adjacent to Rosemary Square. Some of the upgrades occurred within the Okeechobee Boulevard right-of-way, including a new paved sidewalk, lighting, irrigation, bicycle racks, and landscape. FDOT has jurisdiction over Okeechobee Boulevard, so they require that the City assume maintenance responsibility for the upgrades that are installed within the right-of-way. The City agrees to execute such maintenance agreements with FDOT provided the developer executes a Right of Way Maintenance agreement with the City to assume all of the City's maintenance obligations.

Resolution No. 23-21 authorizes the Mayor to sign the MMOA with FDOT.

Resolution No. 24-21 authorizes the Mayor to then sign the maintenance agreement with CityPlace, Retail, LLC, which will assume the maintenance obligations for the improvements that they constructed. Portions of the sidewalk have been relocated out of the right-of-way on to CityPlace Retail, LLC, property. CityPlace Retail, LLC, will maintain the sidewalk and grant a separate sidewalk easement for the public to continue to utilize the sidewalk.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

No fiscal impact.

RESOLUTIONS (8-9):

8. **Resolution No. 347-20 **APPROVED** finding that property located at 630 5th Street is not needed for City purposes, declaring the property to be surplus, and authorizing the conveyance of property under the Housing Assistance Incentives Program to Neighborhood Renaissance, Inc. for the development of a single-family home in the Historic Northwest Neighborhood.**

Resolution No. 22-21 **APPROVED approving a conveyance and Development Agreement and award of development funding to Neighborhood Renaissance, Inc. in a sum not to exceed \$96,500 for the construction of a single- family home located at 630 5th Street.**

RESOLUTION NO. 347-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DECLARING THAT PROPERTY LOCATED AT 630 5TH STREET IS NOT NEEDED FOR CITY PURPOSES; DECLARING SAID PROPERTY TO BE SURPLUS, APPROVING DISPOSITION UNDER THE CITY'S HOUSING ASSISTANCE INCENTIVES PROGRAM, AUTHORIZING THE CONVEYANCE OF PROPERTY TO NEIGHBORHOOD RENAISSANCE, INC. FOR THE CONSTRUCTION OF A SINGLE FAMILY HOME; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 22- 21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CONVEYANCE AND DEVELOPMENT AGREEMENT BETWEEN NEIGHBORHOOD RENAISSANCE, INC., AND THE CITY OF WEST PALM BEACH FOR THE DEVELOPMENT OF AN AFFORDABLE HOME AT 630 5TH STREET; APPROVING DEVELOPMENT FUNDING IN AN AMOUNT NOT TO EXCEED \$96,500 TO NEIGHBORHOOD RENAISSANCE, INC.; AUTHORIZING THE MAYOR TO EXECUTE ALL AGREEMENTS AND RELATED DOCUMENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23201

Staff Recommended Motion:

Approve Resolution No. 347-20 and Resolution No. 22-21.

Background:

One of the primary objectives of the City of West Palm Beach is to provide homeownership opportunities particularly in neighborhoods with low homeownership rates. One such neighborhood is the City's Northwest Neighborhood. According to the Community Redevelopment Agency's Strategic Finance Plan, only 10% of the homes in the Northwest Neighborhood are owner-occupied. In an effort to increase the homeownership rate in the Northwest Neighborhood as well as to as revitalize the area through thoughtful development, the CRA and the City, through its Housing and Community Development

Department (HCD), are partnering to provide much needed homeownership opportunities. In furtherance of these efforts, Resolution No. 296-20 and Resolution No. 299-20(F) authorized the CRA to convey the property located at 630 5th Street to the City and provided development funds to support the construction of a single family home on the site. The City has partnered with Neighborhood Renaissance Inc., a local non-profit developer, to perform all services necessary to complete the development and occupancy of the property. The home shall keep the Historic architecture of the area as well as meet all requirements under zoning and land development regulations and the interlocal between the City and the CRA. The total cost to develop this property is \$307,074. The City's financial contribution to this project shall not exceed \$96,500 (31% of the total development costs). The site is vacant, and the Property Appraiser records show a market value of \$27,000.

Section 2-31(27) (b) of the City's Code of Ordinances requires that prior to the disposition of City property, the City Commission shall make a legislative finding that the property is not needed for City purposes, declare the property surplus and select the method of disposition. Section 2-31 (27) (c) (2) provides that a transfer of city property assessed by the Property Appraiser for less than \$50,000 does not require an appraisal and Section 2-31 (27) (g) provides that City property used for construction of housing pursuant to an approved city housing program may be approved by resolution rather than by ordinance. Resolution No. 347-20 accomplishes these requirements and authorizes the conveyance of property under the Housing Assistance Incentives Program to Neighborhood Renaissance, Inc. for the development of a single family home in the Historic Northwest Neighborhood.

Resolution No. 22-21 approves a Conveyance and Development Agreement with Neighborhood Renaissance and approves the award of development funding to Neighborhood Renaissance, Inc. in a sum not to exceed \$96,500.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

See Resolution No. 299-20(F). Funding is budgeted in the Housing Trust Fund under Project No. 30224050 (630 5th Street).

9. **Resolution No. 371-20 APPROVED approving and authorizing the sale of City-owned property located at 3506 Westview Avenue to Upchurch Capital, LLC for \$135,500.**

RESOLUTION NO. 371-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE SALE OF REAL PROPERTY AT 3506 WESTVIEW AVENUE TO UPCHURCH CAPITAL, LLC; AUTHORIZING EXECUTION OF A SALE AND PURCHASE AGREEMENT AND ALL ANCILLARY DOCUMENTS; RELEASING ALL MINERAL RIGHTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23202

Staff Recommended Motion:

Approve Resolution No. 371-20.

Background:

On October 19, 2020, via Resolution No. 259-20, the City Commission approved the surplus and disposition of property located 3506 Westview Avenue under the City's Housing Assistance Incentives Program. City staff and Real Estate Asset Disposition Corp., a contractor who currently provides real estate services to the City, advertised the sale of certain City owned properties through the City's website and Multiple Listing Services (MLS) for a minimum of twenty-one (21) days.

Pursuant to Section 2-31(27)(c) of the Code of Ordinances, a sale or lease of a property, which is assessed by the county property appraiser between \$50,000 and \$500,000 shall require one (1) appraisal. As such, the City obtained an appraisal from Anderson & Carr, Inc., which assessed the market value at \$60,000. However, the property was listed for \$98,900 as determined by the Broker Price Opinion completed by Real Estate Asset Disposition Corp.

The City received seventeen (17) offers to purchase City-owned property located at 3506 Westview Avenue ranging from \$55,000 to 135,500. The City accepted the offer in the amount of \$135,500 from Upchurch Capital, LLC. The proceeds of the sale will be deposited in the City's Housing Trust Fund for the development or preservation of affordable or workforce housing. As a condition of the sale, the City will require that the purchaser meet certain conditions. The conditions include:

1. The Purchaser must obtain a Building permit within 180 days.
2. The Purchaser must commence construction of a single or multi-family dwelling or commercial building within 365 days from the date of issuance of the Building permit.
3. The Property must be sold to a buyer who intends to occupy the property as its primary residence.

Pursuant to Section 2-31(27) (g) (7) of the Code of Ordinances, the sale of properties under an approved city housing program may be approved by a resolution rather than by ordinance. The City's Housing Assistance Incentives Program is such a program. As such, City staff seeks approval of Resolution No. 371-20 authorizing the sale and transfer of property located at 3506 Westview Avenue to Upchurch Capital, LLC for the sum of \$135,500.

Commission District 1: Commissioner Kelly Shoaf.

PUBLIC HEARINGS (10-13):

10. **Public Hearing and First Reading of Ordinance No. 4920-20 **APPROVED** authorizing the sale and conveyance of property located at 627 and 629 11th Street to Altru Homes, LLC for \$50,000.**

ORDINANCE NO. 4920-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE CONVEYANCE OF THE PROPERTIES LOCATED AT 627 AND 629 11TH STREET TO ALTRU HOMES, LLC, AND AUTHORIZING EXECUTION OF A SALE AND PURCHASE AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23196

Staff Recommended Motion:

Approve Ordinance No. 4920-20 at First Reading and schedule a Public Hearing and Second Reading for February 8, 2021.

Background:

On October 19, 2020, via Resolution No. 260-20, the City Commission approved the surplus and disposition of properties located at 627 and 629 11th Street, PCN No. 74-43-43-16-01-021-0101 and PCN No. 74-43-43-16-01-021-0102 respectively, declared the properties surplus, and authorized the disposition through negotiation of the sale to interested parties. City staff and Real Estate Asset Disposition Corp., a contractor who currently provides real estate services to the City, advertised the sale of certain City-owned properties through the City's website and Multiple Listing Services (MLS) for a minimum of twenty-one (21) days.

Pursuant to Section 2-31(27)(c) of the Code of Ordinances, a sale or lease of a property, which is assessed by the county property appraiser for less than \$50,000, does not require an appraisal. As determined by the Broker Price Opinion completed by Real Estate Asset Disposition Corp., the properties were listed for \$41,900.

The City received three (3) offers to purchase City-owned properties located at 627 11th Street and 629 11th Street, as a bundle, ranging from \$22,000 to 50,000. City staff recommends accepting the offer in the amount of \$50,000 from Altru Homes, LLC. The proceeds of the sale will be deposited in the City's General Fund's Real Estate Management cost center.

As a condition of the sale, the City will require that the purchaser meet certain conditions. The conditions include:

1. The Purchaser must obtain a Building permit within 180 days.

2. The Purchaser must commence construction of a single family or multi-family dwelling or commercial building within 365 days from the date of issuance of the Building permit.
3. The Properties must be sold to a buyer who intends to occupy the properties as its primary residence.

The City will hold a reverter deed to ensure the purchaser satisfies the conditions listed above. If the purchaser fails to satisfy the conditions, and the City exercises its right of reverter, the City may be required to take the property back subject to a construction mortgage.

In accordance with to Section 2-31(27)(g)(7) of the Code of Ordinances, Ordinance 4920-20 authorizes sale and transfer of the properties to Altru Homes, LLC and approves the Sale and Purchase Agreement. The Ordinance must be approved by 4/5 of the Commission at either First or Second Reading as required by Sec. 2-31(27) of the Code. The Ordinance further releases the mineral and petroleum rights the City has in the properties.

Commission District 3: Commissioner Christy Fox.

11. **Public Hearing and First Reading of Ordinance No. 4922-20 APPROVED authorizing the sale and conveyance of property located at 937 39th Street to Housing Partnership d/b/a Community Partners of South Florida for \$40,000.**

ORDINANCE 4922-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE CONVEYANCE OF THE PROPERTY LOCATED AT 937 39TH STREET TO HOUSING PARTNERSHIP, INC. D/B/A COMMUNITY PARTNERS OF SOUTH FLORIDA, AND AUTHORIZING EXECUTION OF A SALE AND PURCHASE AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23197

Staff Recommended Motion:

Approve Ordinance No. 4922-20 at First Reading and schedule a Public Hearing and Second Reading for February 8, 2021.

Background:

On October 19, 2020, via Resolution No. 260-20, the City Commission approved the surplus and disposition of property located on at 937 39th Street, PCN No. 74-43-43-09-05-060-0240, declared the Property surplus, and authorized the disposition through negotiation of the sale to interested parties. City staff and Real Estate Asset Disposition Corp., a contractor who currently provides real estate services to the City, advertised the sale of certain City-owned properties through the City's website and Multiple Listing Services (MLS) for a minimum of twenty-one (21) days.

Pursuant to Section 2-31(27)(c) of the Code of Ordinances, a sale or lease of a property, which is assessed by the county property appraiser for less than \$50,000, does not require an appraisal. As determined by the Broker Price Opinion completed by Real Estate Asset Disposition Corp., the property was listed for \$40,000.

The City received nine (9) offers to purchase City-owned property located at 937 39th Street ranging from \$26,900 to 50,000. Given the experience in affordable housing development and that the organization is a partner with Northend R.I.S.E., Inc. on various redevelopment efforts in the area, City staff recommends accepting the offer in the amount of \$40,000 from Housing Partnership d/b/a Community Partners of South Florida. The proceeds of the sale will be deposited in the City's General Fund's Real Estate Management cost center.

As a condition of the sale, the City will require that the purchaser meet certain conditions. The conditions include:

1. The Purchaser must obtain a Building permit within 180 days.
2. The Purchaser must commence construction of a single family or multi-family dwelling or commercial building within 365 days from the date of issuance of the Building permit.
3. The Property must be sold to a buyer who intends to occupy the properties as its primary residence.

The City will hold a reverter deed to ensure the purchaser satisfies the conditions listed above. If the purchaser fails to satisfy the conditions, and the City exercises its right of reverter, the City may be required to take the property back subject to a construction mortgage.

In accordance with to Section 2-31(27)(g)(7) of the Code of Ordinances, Ordinance No. 4922-20 authorizes sale and transfer of the property to Housing Partnership, Inc. d/b/a Community Partners of South Florida and approves the Sale and Purchase Agreement. The Ordinance must be approved by 4/5 of the Commission at either First or Second Reading as required by Sec. 2-31(27) of the Code. The Ordinance further releases the mineral and petroleum rights the City has in the property.

Commission District 1: Commissioner Kelly Shoaf.

Fiscal Note:

Approval will result in \$40,000 to be used for real estate management purposes.

12. **Public Hearing and First Reading of Ordinance No. 4924-20 **APPROVED** authorizing the sale and conveyance of property located at 225 Monroe Drive to 225 Monroe, LLC for \$450,000.**

ORDINANCE NO. 4924-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE SALE AND CONVEYANCE OF CITY-OWNED PROPERTY LOCATED AT 225 MONROE DRIVE TO 225 MONROE, LLC.; AUTHORIZING EXECUTION OF A SALE AND PURCHASE AGREEMENT FOR \$450,000 AND ALL ANCILLARY DOCUMENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23203

Staff Recommended Motion:

Approve Ordinance No. 4924-20 at First Reading and schedule a Public Hearing and Second Reading for February 8, 2021.

Background:

On October 19, 2020, via Resolution No. 260-20, the City Commission approved the surplus and disposition of property located on at 225 Monroe Drive, PCN No. 74-43-43-34-09-009-0540 and authorized the disposition through negotiation of the sale to interested parties. City staff and Real Estate Asset Disposition Corp., a contractor who currently provides real estate services to the City, advertised the sale of certain City owned properties through the City's website and Multiple Listing Services (MLS) for a minimum of twenty-one (21) days.

Pursuant to Section 2-31(27)(c) of the Code of Ordinances, a sale or lease of a property, which is assessed by the county property appraiser between \$50,000 and \$500,000, shall require one (1) appraisal. As such, the City obtained an appraisal from Anderson and Carr, Inc., which determined the value at \$420,000. However, in accordance with the Brokers Price Opinion provided by Real Estate Asset Disposition Corp., the property was listed at \$499,900.

The City received five (5) offers to purchase City-owned property located at 225 Monroe Drive ranging from \$405,000 to \$499,900. Due to the historic nature of the structure and 225 Monroe, LLC's experience with historic restoration, the City accepted an offer from 225 Monroe LLC in the amount of \$450,000. As per Section 2-31(27)(c) of the Code Ordinances, the sale price shall be not less than 85 percent (85%) of the fair market value of the appraisal. The offer accepted is over the fair market value as determined in the appraisal. 225 Monroe, LLC has performed historic renovations on several properties including: 257 Granada (a 1925 home in EL Cid), 294 Queens Court (a 1930s Mango Promenade historic remodel), 312 Cordova (a 1954 home in EL Cid), 320 Murray Road (a 1920s home), and Park Slope Town and Courtyard Homes (a 14 home new development). In addition, 225 Monroe, LLC received the 2020 City of West Palm Beach Historic Preservation Award. The proceeds of the sale of this property will be deposited in the

City's General Fund.

Ordinance No. 4924-20 authorizes sale and transfer of the property to 225 Monroe, LLC and approves the Sale and Purchase Agreement. The Ordinance must be approved by 4/5 of the Commission at either First or Second Reading, or both, as required by Sec. 2-31(27) of the Code. The Ordinance further releases the mineral and petroleum rights the City has in the property.

Commission District 5: Commissioner Christina Lambert.

13. **Public Hearing and First Reading of Ordinance No. 4932-21 **APPROVED** amending the Code of Ordinances at Chapter 74 - Solid Waste to revise and clarify several sections regarding collection services, hazardous waste disposal, and landscape contractor responsibilities.**

ORDINANCE NO. 4932-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 74 (SOLID WASTE) BY AMENDING AND RESTATING ARTICLE I (IN GENERAL), TO AMEND SECTION 74-3 (DEFINITIONS) BY AMENDING THE DEFINITION OF "SPECIAL COLLECTION PICK-UPS"; TO AMEND SUBSECTION 74-4 (c) (6) RELATING TO REMOVAL OF YARD AND GARDEN WASTE; TO AMEND SUBSECTION 74-4 (l) (3) (a) AND (b) RELATING TO THE SIZE OF COMMERCIAL REFUSE CONTAINERS; BY AMENDING AND RESTATING ARTICLE II (SOLID WASTE COLLECTION AND DISPOSAL) TO AMEND SUBSECTION 74-31 (b) TO ADD A NEW SUBSECTION "(1)" RELATING TO THE SIZE OF RESIDENTIAL REFUSE CONTAINERS AND A NEW SUBSECTION "(2)" RELATING TO USE OF COMPACTORS; TO AMEND SUBSECTION 74-34 (a) (2) RELATING TO THE PREPARATION AND STORAGE OF COMMERCIAL SOLID WASTE; TO AMEND SUBSECTION 74-35 (c) (1) RELATING TO BULK GOODS AND WHITE GOODS; TO AMEND SECTION 74-35 TO ADD A NEW SUBSECTION "(e)" RELATING TO DISPOSAL OF HAZARDOUS WASTE; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23198

Staff Recommended Motion:

Approve Ordinance No. 4932-21 on First Reading and schedule a Second Reading on February 8, 2021.

Background:

As a result of implementing the provisions of the City's solid waste ordinance, Chapter 74 of the code of ordinances, the Department of Public Works has found several areas which should be improved in order to promote greater efficiency and effectiveness. These areas include fees for special collections, dumpster sizes for commercial customers, bulk and white goods regulations, handling of hazardous waste, and removal requirements for landscape materials. The proposed revisions to Chapter 74 provided in Ordinance No. 4932-21 addresses these deficiencies.

Fiscal Note:

No fiscal impact.

PUBLIC HEARING – QUASI JUDICIAL (14-15):

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

14. **Public Hearing and First Reading of Ordinance No. 4930-21 **WITHDRAWN BY APPLICANT** regarding a rezoning to change the zoning designation of ±1.80 acres known as 2000-2100 South Dixie Highway, located on the east side of South Dixie Highway, between Flamingo Drive and Cordova Road from General Commercial to Commercial Planned Development.**

Discussion of Resolution No. 6-21 **WITHDRAWN BY APPLICANT approving the development regulations and conditions for the Carefree 6 at Flamingo Commercial Planned Development and granting waivers from the Zoning and Land Development Regulations.**

The above referenced requests are being made by Jon E. Schmidt of Schmidt Nichols, on behalf of 2000 SDH, LLC and 2100 SDH, LLC, to provide for the construction of a mixed-use development consisting of a six (6) screen 600-seat theater; 58 residential dwelling units; 6,910 square feet of restaurant; and 8,748 square feet of retail.

ORDINANCE NO. 4930-21: 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, FLORIDA, BY REZONING ±1.80 ACRES KNOWN AS 2000, 2020, AND 2100 SOUTH DIXIE HIGHWAY, LOCATED ON THE EAST SIDE OF SOUTH DIXIE HIGHWAY BETWEEN FLAMINGO DRIVE AND CORDOVA ROAD, FROM GENERAL COMMERCIAL TO COMMERCIAL PLANNED DEVELOPMENT; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 6-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE DEVELOPMENT REGULATIONS AND CONDITIONS FOR THE CAREFREE 6 AT FLAMINGO COMMERCIAL PLANNED DEVELOPMENT; GRANTING WAIVERS OF THE ZONING AND LAND DEVELOPMENT REGULATIONS; FINDING CONSISTENCY WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23199

Staff Recommended Motion:

Approve Ordinance No. 4930-21 changing the zoning designation of ±1.80 acres located on the east side of South Dixie Highway, between Flamingo Drive and Cordova Road, known as 2000-2100 South Dixie Highway, from General Commercial to Commercial Planned Development. The 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 Section 94-32 and Section 94-207(d) of the City's Zoning and Land Development Regulations.

Discussion of Resolution No. 6-21 which will approve the development regulations and conditions for the Carefree 6 at Flamingo Commercial Planned Development and granting waivers of the Zoning and Land Development Regulations.

THIS ITEM HAS BEEN WITHDRAWN BY THE APPLICANT.

Background:

(The information provided below is a general summary. A full analysis is included in the Staff Report.)

Located on the east side of South Dixie Highway, between Flamingo Drive and Cordova Road, the subject property consists of three (3) separate infill parcels (2000, 2020 and 2100 South Dixie Highway) comprised of an overall acreage of 1.80-acres. The north half of the subject property is bounded by Flamingo Drive to the north and Barcelona Road to the south, and the southern half of the property is bounded by Barcelona Road to the north and Cordova Road to the south.

The property, which now sits vacant, was once the site of the Carefree Theater, a well know commercial, cultural art venue, and community meeting place with an extensive history dating back to the 1930's. In 2005, the Carefree Theater was permanently closed after sustaining significant damage from the hurricanes, and the building was left abandoned for many years until the subject property was purchased by the applicant in 2015. In 2016, the dilapidated Carefree Theater was demolished with the intent to redevelop the site with a mixed-use project. To pave way for the redevelopment plan, the Future Land Use (FLU) designation of the subject property was changed to Commercial East (CE) (Reference:

Ordinance No. 4798-18) and the property was rezoned to General Commercial (GC) (Reference: Ordinance No. 4799-18) in 2018.

Redevelopment Vision:

The applicant is the owner of a film production company (Cohen Media Group) that is the largest distributor of French films in America and has a collection of more than 700 classic films made from 1917 to 1972. It is the applicant's desire to continue the legacy of the Carefree Theater with a proposed redevelopment plan for a new cultural arts facility, featuring a state-of-the-art film venue (showing independent, classic and foreign films), complementary retail and restaurant uses, and luxury multi-family rental units.

The redevelopment vision is comprised of two (2) mixed-use buildings: El Flamingo (between Flamingo Drive and Barcelona Road) and El Cordova (between Barcelona Road and Cordova Road). The El Flamingo building will consist of the theater, restaurants, and multi-family residential units; and the El Cordova building will contain multi-family residential and retail uses. Both buildings will provide subterranean parking garages with two (2) levels of parking under each building.

Given the location of the subject property along South Dixie Highway, a commercial corridor that has experienced considerable redevelopment and revitalization activity in recent years; and its close proximity to a number of residential districts (El Cid Historic District, Grandview Heights Historic District, Flamingo Park Historic District, Sunshine Park, and Pineapple Park), the applicant justifies that the vision for the property will have a positive effect on redevelopment and revitalization in the area by restoring a valued cultural art space; encouraging alternative modes of transportation by providing a mixture of uses in close proximity to many surrounding neighborhoods, and providing additional retail and dining options along the corridor.

To achieve this vision, the applicant is requesting that the 1.80-acre subject property be rezoned to a Commercial Planned Development (CPD). Additionally, a series of waivers from the Zoning and Land Development Regulations (ZLDRs) are being requested to accommodate the vision of the proposed project.

Original Redevelopment Plan:

In 2016, the applicant submitted the first plan for the Carefree Redevelopment project (Reference: Planning Board Case No. 1712A). The application included a request to increase overall floor area ratio (FAR) to 2.5 (maximum FAR of 1.5 permitted in the CE FLU designation) and increase the residential density to 53.9 dwelling units per acre (maximum allowable density permitted in the CE FLU designation is 32.27 dwelling units per acre). The applicant had also requested a total of fourteen (14) waivers from the various requirements of the ZLDRs. The El Flamingo building had an overall height of 117 feet (7-stories), and the El Cordova building had a proposed building height of 74 feet (5-stories).

Staff did not support this redevelopment plan, as the proposed density and intensity for the project was found to be inconsistent with the standards of the City's Comprehensive Plan. Additionally, Staff had major concerns with the height and the massing of the project with its close proximity to the adjacent single-family residential neighborhood and the lack of measures to mitigate the impacts associated with the waiver requests. After several outreach meetings between the applicant and the community, the applicant decided to withdraw the application to work on addressing some of the community's concerns.

Current Redevelopment Plan:

The current redevelopment plan was submitted in June 2019. The density and intensity for the project was reduced to comply with the density and intensity standards of the Comprehensive Plan. According to the current redevelopment plan, the project will have an overall gross floor area (GFA) of 117,836 square feet (El Flamingo building: 74,966 square feet; and El Cordova building: 42,870 square feet). This is a decrease of 73,417 square feet of GFA from the original 2016 redevelopment plan.

The Site Plan, Landscape Plan, and Architectural Drawings are provided.

Building Height:

One of the major concerns raised by the residents during the early community outreach meetings was the height of the buildings in the original plan and its impact on the adjacent El Cid neighborhood to the east. To address this concern, the height of both buildings has been reduced from the original plan. The El Flamingo building will have a building height of 71.8 feet (at the highest point minus the 10% allowance for architectural features), and El Cordova building will have a building height of 64.6 feet (at the highest point of the building).

For the proposed plan, the height of the El Flamingo building has been reduced by 45.2 feet (a reduction in 38% from the original height), and the El Cordova building has been reduced by 9.3 feet (a reduction in 13% from the original height). Although the height of the project has been lowered from the original plan, the applicant is still required to request building height waivers for both buildings within the project based on the proposed setbacks. The waivers are detailed and analyzed in the waiver section of the attached staff report.

Parking and Loading:

The proposed number of parking spaces provided for the project is 406 parking spaces (a minimum of 371 parking spaces is required for the project per Section 94-486 of the ZLDRs). Parking for the project will primarily be achieved by the location of two (2) subterranean parking garages with two(2) levels of parking under each building.

Additionally, ground floor valet parking within the El Flamingo building, and on-street parking along the street frontages of the two (2) buildings will be provided to supplement the required parking for the project.

As for the loading requirement, the project satisfies the minimum number of loading spaces required for the project. According to the plan, each building will provide a service entrance to a 10-foot wide by 50-foot long loading zone at the rear of the buildings. Access to the El Flamingo loading zone will be provided on Flamingo Drive and circulate through the area of the tandem parking spaces (when not in use) and out through the main parking garage entrance onto South Dixie; and access to the El Cordova loading area will be provided on Barcelona Road.

Community Meetings:

The applicant has indicated that numerous meetings with the community and members of the El Cid Neighborhood Association had occurred from the initial stages through to the current proposed redevelopment plan. The meetings were held to obtain community feedback and attempt to address and minimize the concerns raised by the residents of the area, particularly the El Cid neighborhood.

Some of the major concerns raised by the El Cid Neighborhood Association include:

- Increased traffic circulating in the community.
- Excessive parking within the El Cid neighborhood.
- Drainage concerns due to the lack of pervious surface area for the project.
- Building heights and intensities are out of character with the El Cid historic district.
- Lack of landscaping for the project.

Staff credits the efforts of the applicant and the community members to work out the issues and concerns; however, it is Staff's understanding that a consensus on the proposed redevelopment project has not been achieved.

Requested Waivers:

As part of the proposed CPD, the applicant is requesting a series of waivers from the (3) ZLDRs. The waivers are outlined in the Staff Report.

CONCLUSION: The concept of the proposed mixed-use project is attractive and highly desired and appropriate for the subject property as an infill redevelopment project along the South Dixie Highway commercial corridor, where significant investment in redevelopment activity has occurred in recent years. The evidence of redevelopment activity on South Dixie Highway is quickly changing the character of the corridor as a vibrant mixed-use area of the City and the concept of the proposed development is ideal.

The proposed project does not exceed the maximum allowable density and intensity standards of the City's Comprehensive Plan and ZLDRs for the CPD, but the applicant is seeking a substantial number of waivers to accommodate the proposed development on

small infill parcels. Staff acknowledges that the waivers are necessary, as the current ZLDRs do not adequately address development on urban infill projects, with little flexibility in site design for smaller parcels.

The waivers have been analyzed based on the applicant's justification, mitigation measures provided to reduce the impacts of each waiver, and whether or not the mitigation has been successful in meeting the intent of the ZLDRs and standards for qualitative site design. 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 contained herein.

PLANNING BOARD: After a Public Hearing on November 17, 2020, the Planning Board recommended approval (5-1) of the requests, subject to the conditions contained in Resolution No. 6-21.

At the Planning Board meeting, Staff had recommended that the building height of the El Cordova building could be further mitigated on the east side by utilizing the "step-back" approach to soften the height and volume of the proposed building adjacent to the residential by stepping back the two (2) east facing end units on the fourth floor of the El Cordova Building. Since the Planning Board meeting, the applicant had provided revised plans that show a 5-foot step back for the two upper level units on the east side. Although Staff would have preferred a greater step back of the top level two (2) end units, the revised plans are an improvement and should assist in the mitigation of the impact of the building height and volume to the adjacent residential.

Additionally, the El Cid Neighborhood Association had provided a list of desired additional conditions for the project at Planning Board. The list was presented to the applicant, and Staff was informed that the applicant would reach out to the association to discuss the conditions presented by the association.

PUBLIC NOTICE: Individual notices were mailed to all property owners within 500 feet of the property, and signs had also been posted on the subject property. In accordance with the advertising requirements of the Florida Statutes and the ZLDRs, Ordinance No. 4930-21 and Resolution No. 6-21 will be advertised prior to Second Reading.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

No fiscal impact.

15. **Public Hearing and First Reading of Ordinance No. 4931-21 **APPROVED** regarding a rezoning to change the zoning designation of ±9.84 acres located at the northwest corner of 45th Street and Military Trail from General Commercial to Commercial Planned Development; and**

Discussion of Resolution No. 9-21 **DISCUSSED approving the development regulations, design guidelines and conditions for the Prime Corner Commercial Planned Development and granting waivers from the Zoning and Land Development Regulations.**

The above referenced requests are being made by Alan Ciklin of Ciklin Lubitz and George G. Gentile of 2GHO, on behalf of Prime Development, LLC to provide for a master planned development, including the construction of a 5,636 square foot (WaWa) convenience store with motor vehicle fuel sales.

ORDINANCE NO. 4931-21: 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, FLORIDA, BY REZONING ±9.84 ACRES LOCATED AT THE NORTHWEST CORNER OF 45TH STREET AND MILITARY TRAIL FROM GENERAL COMMERCIAL TO COMMERCIAL PLANNED DEVELOPMENT; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 9-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE DEVELOPMENT REGULATIONS, DESIGN GUIDELINES AND CONDITIONS FOR THE PRIME CORNER COMMERCIAL PLANNED DEVELOPMENT; GRANTING WAIVERS OF THE ZONING AND LAND DEVELOPMENT REGULATIONS; DECLARING THE PLANNED DEVELOPMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23200

Staff Recommended Motion:

Approve Ordinance No. 4931-21 changing the zoning designation of ±9.84 acres located at the northwest corner of 45th Street and Military Trail from General Commercial to Commercial Planned Development. The 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 Section 94-32 of the City's Zoning and Land Development Regulations.

Discussion of Resolution No. 9-21, which will approve the development regulations, design guidelines and conditions for the Prime Corner Commercial Planned Development and granting waivers of the Zoning and Land Development Regulations.

Background:

(The information provided below is a general summary. A full analysis is included in the Staff Report.)

The subject property is comprised of two (2) separate parcels located at the northwest corner of 45th Street and Military Trail (PCNs: 74-42-43-01-01-000-0012 [east parcel] and 74-42-43-01-01-000-0052 [west parcel]). At one point in time, the east parcel of the subject property was divided into numerous parcels with varying Future Land Use (FLU) and Zoning designations, and was occupied by a number of uses, including a plant nursery, a telecommunications tower (constructed in 1985 and will remain as part of the CPD), a small convenience store with accessory motor vehicle fuel sales, and abandoned structures and yards previously used for industrial equipment sales/rental. After the individual parcels were acquired by the applicant, the west parcel of the subject property was voluntarily annexed into the City and assigned a Commercial (C) and a GC zoning designation (Reference: Ordinance Nos. 4846-19, 4847-19 and 4848-19); and the smaller individual parcels in the eastern half of the subject property had been consolidated with a C FLU and a GC zoning designation. The parcels had been purchased with the intent to redevelop the site with a larger commercial project. Today, only the telecommunications tower (located at the northeast portion of the property) exists, while the remainder of the site has been cleared of any structures with the exception to remnant asphalt and anchors from previous development on the property.

The applicant is seeking approval to rezone the subject property from GC to CPD to provide for a cohesive commercial development project. The project includes requests for two (2) waivers to the Zoning and Land Development Regulations (ZLDRs) and the establishment of design guidelines for the CPD. The proposed project, known as “Prime Corner” is summarized below:

Design Guidelines:

The development project will be treated as one (1) cohesive site with no individual parcels proposed within the CPD. The purpose of the Prime Corner CPD Design Guidelines is to provide for a unified and attractive development by regulating the uses, site design, building placement, and architectural standards to ensure consistency and compatibility within the CPD and surrounding area. Some of the key elements in the proposed design guidelines include: permitted and prohibited uses; building setbacks; access, roadways and pedestrian connections; lighting; and architectural design standards. The Design Guidelines are provided in Resolution No. 9-21.

Master Development Plan:

The Master Development Plan lays out the framework for all future development within

the CPD, including the type of uses, and the allocation and building size information for the uses within the development. According to the Master Development Plan, the proposed development will provide a maximum of 50,436 square feet of building for the overall CPD, and will contain the following uses:

- WaWa Convenience Store with Motor Vehicle Fuel Sales: 5,636 square feet.
- Fast-food Restaurant with Drive-through: 8,900 square feet.
- General Commercial: 30,900 square feet.
- Restaurant: 5,000 square feet.

Waiver Requests:

The applicant is seeking two (2) waivers from the Zoning and Land Development Regulations to provide for the proposed development. The waivers include:

- 1) Maximum number of access points; and
- 2) Side setback for the gasoline price sign.

Staff does not object to the waiver requests, as the waivers are not expected to generate any safety concerns to the property or to the surrounding area.

WaWa Site Development Plan:

At this time, only the site plan for a 5,636 square foot WaWa convenience store building and gas station with sixteen (16) fueling pumps has been submitted for development at the southeast corner of the proposed development site. The Site Plan, Landscape Plan and Architectural Drawings for the WaWa are provided.

The site design for the proposed WaWa is typical for the brand in terms of building placement, outdoor seating for patrons, architecture and the number of fueling pumps for motor vehicles. The design also incorporates pedestrian walkways that connect to the existing sidewalk network along 45th Street and cross-access to future development sites within the CPD. Although twenty-three (23) parking spaces are required, a total of forty-eight (48) parking spaces will be provided for the use. The loading zone and dumpster enclosure area is located on the west side of the building, and a landscape island will be provided to separate and screen the loading area/dumpster enclosure area from the main circulation/access point immediately west of the loading area. All technical site plan and traffic circulation and safety issues for the WaWa development have been addressed to the satisfaction of Staff.

CONCLUSION: It is Staff's professional opinion that the proposed development plan will be a significant improvement to the site that will also have a positive effect on future development in the area. The Development Services Department – Planning Division has found the requests to comply with the Rezoning Standards of Section 94-32 and the Site Design Qualitative Development Standards of Section 94-35(c) of the ZLDRs; and therefore, Staff is recommending approval, subject to the conditions outlined in Resolution No. 9-21.

PLANNING BOARD: After a Public Hearing on December 15, 2020, the Planning Board recommended approval (6-0) of the requests, subject to the conditions contained in Resolution No. 9-21.

PUBLIC NOTICE: Individual notices were mailed to all property owners within 500 feet of the property, and signs had also been posted on the subject property. In accordance with the advertising requirements of the Florida Statutes and the ZLDRs, Ordinance No. 4931-21 and Resolution No. 9-21 will be advertised prior to Second Reading.

Commission District 4: Commissioner Joseph Peduzzi.

Fiscal Note:

No fiscal impact.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

COMMENTS BY THE MAYOR AND CITY COMMISSIONERS:

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.