



**City of West Palm Beach
City Commission**

PASS/FAIL AGENDA

**January 27, 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 CHRISTINA LAMBERT**

**COMMISSIONER KELLY SHOAF
COMMISSIONER RICHARD A. RYLES**

**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):

1. **City Commission approval is requested for the Mayor's appointment of Sarah Knouse to the Art in Public Places committee for a term of three years (3) to expire December 11, 2022. Ms. Knouse does not live or work within the city limits of West Palm Beach. It is required that the City Commission confirms her appointment. **NOT APPROVED****
Agenda Cover Memorandum No.: 22750
2. **Approve the appointments of Khanh Uyen Dang, Traffic Engineer, as the City's representative to the Palm Beach Transportation Planning Agency Technical Advisory Committee (TAC), and Lina Camacho, Sr. Project Engineer, as the City's Alternate member. It is required that these appointments be confirmed by the City Commission. **APPROVED****
Agenda Cover Memorandum No.: 22772

Staff Recommended Motion:

Approve the appointments.

Background:

The Palm Beach County Transportation Planning Agency's (TPA) Technical Advisory Committee (TAC) is made up of technical staff representing the various local governments within Palm Beach County, primarily planners and engineers. The TAC is responsible for reviewing and evaluating transportation-related plans and programs before these items are presented to the TPA Board.

The City of West Palm Beach has two (2) seats at the TPA's TAC, one (1) for the City's

Engineering Department and one (1) for the City's Planning and Zoning Division. Brian Collins previously served as the member for the Engineering's Department seat and Khan Uyen Dang was previously appointed as the alternate. Alex Hansen serves as the member for the City's Planning and Zoning Division.

The City desires to appoint Khanh Uyen Dang, Traffic Engineer, as the City's representative to the TAC and appoint Lina Camacho, Sr. Project Engineer, as the City's alternate member to the TAC.

Khanh Uyen Dang was recently elected as Chair of the TAC in the December 4, 2019 regular TAC meeting.

The City's appointments of Khan Uyen Dang and Lina Camacho to the TAC will be forwarded to the TPA Board for their information.

Fiscal Note:

No fiscal impact.

COMMENTS BY THE MAYOR AND CITY COMMISSIONERS

CONSENT CALENDAR (3-10): ALL CONSENT ITEMS (3-10) APPROVED

- 3. Minutes of the Regular City Commission Meeting of January 13, 2020.
Agenda Cover Memorandum No.: 22773**

Staff Recommended Motion:

Approve the Minutes of the Regular City Commission Meeting of January 13, 2020.

- 4. Resolution No. 423-19 authorizing the assessment of city liens in the total amount of \$28,770 for unpaid water service, sewer service, and stormwater service charges for the month of October 2019.**

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.: 22774

Staff Recommended Motion:

Approve Resolution No. 423-19.

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. 423-19 are for unpaid water service, sewer service, and stormwater service charges for the month of October 2019. The list of properties to be assessed and the associated charges totaling \$28,770 are attached to Resolution No. 423-19 as EXHIBIT A - Utility Lien List - October 2019. If not paid, these liens may be foreclosed by the City.

Fiscal Note:

No fiscal impact.

5. **Resolution No. 2-20(F) providing for the receipt and appropriation of \$8,000 to the City's Homelessness Prevention Program in the Donation Fund.**

RESOLUTION NO. 2-20(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 DONATION FUND BUDGET TO PROVIDE APPROPRIATIONS FOR A CONTRIBUTION FROM METROPOLITAN SYSTEMS TO SUPPORT THE CITY'S HOMELESSNESS PREVENTION PROGRAM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22775

Staff Recommended Motion:

Approve Resolution No. 2-20(F).

Background:

Resolution No. 213-04(F) created a Donation Account and authorized the Finance Director to appropriate revenues and expenditures in the Donation Account equivalent to the amount of donations received for Commission approved programs.

Resolution No. 293-16(F) established the Homelessness Prevention Program in the Donation Account, and provided that the donation of advertising funds from bus bench advertising will be deposited in the Donation Account - Homeless Prevention Program account.

Resolution No. 291-16 approved a Bus Bench Agreement with Metropolitan Systems which allowed the City to continue to have bus benches with advertising at transit stops for the benefit of the public health and convenience of the general public. The agreement provides that Metropolitan Systems will donate 10% of the advertising revenue, or not less than \$8,000 per year, to the City's homeless prevention effort.

Metropolitan Systems has made a donation in the amount of \$8,000 for 2019. The City desires to appropriate the 2019 donation from bus bench advertising to the Homelessness Prevention Program in the Donation Fund to be utilized for homeless prevention and/or diversion activities.

Fiscal Note:

Approval provides for the receipt and appropriation of \$8,000 to the City's Homelessness Prevention Program in the Donation Fund.

6. **Resolution No. 16-20 approving a Sponsorship Agreement between the City of West Palm Beach and the Historical Society of Palm Beach County to produce "Evening on Antique Row" on March 7, 2020, from 6:00 p.m. to 11:00 p.m.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SPONSORSHIP AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE HISTORICAL SOCIETY OF PALM BEACH COUNTY FOR "EVENING ON ANTIQUE ROW" TO BE HELD ON MARCH 7, 2020; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22776

Staff Recommended Motion:

Approve Resolution No. 16-20.

Background:

The Historical Society of Palm Beach County will host Evening on Antique Row on March 7, 2020 from 6:00 p.m. to 11:00 p.m. on Dixie Highway between Southern Boulevard and Monroe Drive. General admission ticket price is \$65 in advance and \$80 at the door. VIP and after party admission is \$125 in advance and \$150 at the door. There will also be live entertainment, access to evening shopping, and food trucks along the street. This event is to raise awareness of and benefit the Historical Society of Palm Beach County. Additionally, this event will provide exposure to the Antique Row shops on South Dixie Highway.

Resolution No. 16-20 approves a Sponsorship Agreement between the City and the Historical Society of Palm Beach County. The Historical Society of Palm Beach County will provide the City with a sponsorship valued at \$5,000 which includes marketing, public relations and admission benefits associated with "Evening on Antique Row". The Historical Society of Palm Beach County will provide the City with \$1 million general liability insurance policy and a \$1 million liquor liability insurance policy naming the City as additionally insured. In return, the City will waive the Special Event Permit Fee of \$1,625.00 and dumpster fees of \$198.

Fiscal Note:

City will waive fees of approximately \$1,946.

7. **Resolution No. 22-20 authorizing the City to apply for State permits for temporary closure of State roads for special events.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DESIGNATING THE MAYOR AS THE CITY OFFICIAL AUTHORIZED TO APPROVE THE TEMPORARY CLOSURE OF STATE ROADS FOR SPECIAL EVENTS AND AUTHORIZING THE MAYOR TO APPLY FOR STATE PERMITS FOR SUCH ROADWAY CLOSURES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22777

Staff Recommended Motion:

Approve Resolution No. 22-20.

Background:

From time to time, special events held within the City of West Palm Beach require the temporary closure of a State roadway. The Florida Department of Transportation requires the local government to approve all temporary closures of State roadways. Pursuant to Chapter 14-65, Florida Administrative Code, a local government may, by resolution, designate an official authorized to approve the temporary closures of State roadways for special events.

The Community Events Division desires to expedite the issuance of state permits to facilitate special events which use state roadways.

Resolution No. 22-20 designates the Mayor as the City official authorized to approve the temporary closures of State roadways for special events and authorizes the Mayor to submit applications for state permits for such temporary closures of State roadways for special events.

Fiscal Note:

No fiscal impact.

8. **Resolution No. 419-19 granting a Revocable Permit and License to Florida Power & Light (FPL) for an area within the M-Canal property for service between FPL's new solar energy centers.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING A REVOCABLE PERMIT AND LICENSE TO FLORIDA POWER & LIGHT COMPANY FOR SERVICE BETWEEN FLORIDA POWER & LIGHT'S NEW SOLAR ENERGY CENTERS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22778

Staff Recommended Motion:

Approve Resolution No. 419-19.

Background:

Florida Power & Light is currently designing and planning for the construction of its two (2) solar energy farms/centers in western Palm Beach County. These two (2) solar farms are comprised of over 400 and 646 acres respectively and are located approximately two (2) miles west of Seminole Pratt Whitney Road. The 646-acre site is being constructed first and will contain approximately 330,000 solar panels generating 74.5 megawatts. An aerial crossing of the M-Canal is required which will consist of two (2) poles and overhead transmission lines. The crossing has been reviewed and approved by both Engineering and Water Resources.

9. **Resolution No. 19-20 re-affirming the City's support for Project Captain Jack as a qualified target industry business for state incentives and re-approving incentives.**

RESOLUTION NO. 19-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RE-AFFIRMING SUPPORT AND RECOMMENDING PROJECT CAPTAIN JACK BE APPROVED AS A QUALIFIED TARGET INDUSTRY BUSINESS FOR STATE INCENTIVES PURSUANT TO SECTION 288.106, FLORIDA STATUTES; AUTHORIZING PAYMENTS OF UP TO \$35,000 AS THE REQUIRED LOCAL PARTICIPATION FOR THE QUALIFIED TARGET INDUSTRY TAX REFUND PROGRAM WITH A HIGH-IMPACT SECTOR BONUS; APPROVING AN AMENDED QTI AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22782

Background:

Pursuant to Resolution No. 114-19, the City Commission previously approved local support in the amount of \$35,000 to Project Captain Jack through the State's Qualified Target Industry Tax Refund (QTI) Program. The approval was contingent upon Project Captain Jack entering into a QTI Agreement with the City within 90 days of Commission approval. The incentive approval was subsequently revoked because Project Captain Jack failed to timely enter into the QTI Agreement.

Project Captain Jack is an information technology business that expanded its operations and headquarters in the City, which retained 57 jobs and will create 50 new jobs with an average salary of \$105,490, which is 200% of the average wage in Palm Beach County. Project Captain Jack is eligible for a total tax refund of \$350,000 under the QTI Program. 80% of the tax refund will be paid by the State of Florida. The QTI Program requires that 20% of the tax refund is provided by local support. The remaining 20%, or \$70,000 of the tax refund would be split by Palm Beach County 10% or \$35,000 and the City of West Palm Beach, 10% or \$35,000 over 4 years at an average rate of \$8,750 per year.

Resolution No. 114-19 required Project Captain Jack to enter into a QTI Agreement with the City, which incorporated the terms of Project Captain Jack's application and the state QTI program. Project Captain Jack's initial application to the City, and the City

Commission's prior approval was in part based on Project Captain Jack's representation that it would make a total of \$1,850,000 in capital investment in the City over a four-year period beginning in 2019 and create 50 new jobs beginning in 2019. Project Captain Jack was unable meet the capital contribution requirements and to meet the job creation schedule for 2019 and therefore declined to enter into the QTI Agreement with the City. Project Captain Jack has requested that the City Commission reconsider its application, with a revised capital investment amount of \$1,450,000 over a 5-year period, and the revised job creation schedule beginning in 2020.

Resolution No. 114-19 re-affirms the City's local support and grants an incentive in the amount of \$35,000 to Project Captain Jack.

COMMISSION DISTRICT: Project Captain Jack is located in District 3 represented by Commissioner Richard Ryles.

Fiscal Note:

Payout Schedule:

- 2020 - \$7,000
- 2021 - \$7,000
- 2022 - \$7,000
- 2023 - \$14,000

- 10. Resolution No. 24-20: Approving the First Amendment to the Economic Development Incentive Building Improvement Grant Agreement with Castle Wealth Management, LLC to provide a three-month extension.**

RESOLUTION NO. 24-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE ECONOMIC DEVELOPMENT INCENTIVE GRANT AGREEMENT BETWEEN CASTLE WEALTH MANAGEMENT, LLC, AND THE CITY OF WEST PALM BEACH REGARDING THE EXTENSION OF THE PERFORMANCE PERIOD; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22784

Staff Recommended Motion:

Approve Resolution No. 24-20.

Background:

Pursuant to Resolution No. 178-19, the City Commission previously approved an economic development incentive Grant Agreement with Castle Wealth Management, LLC, which provided an economic incentive grant in an amount not to exceed \$50,000, provided that Castle Wealth complete the building improvement renovations, and obtain the Final Certificate of Occupancy for the renovations by January 31, 2020 and submit all requisite documentation to the City by March 31, 2020.

Castle Wealth has requested an extension of time to complete all conditions prior to the distribution of grant funds. Currently, Castle Wealth is required to have a final certificate of occupancy by January 31, 2020 and to submit all requisite documentation for the grant disbursement to the City by March 31, 2020. Due to general construction constraints and delays Castle Wealth has requested that the timeline for completion of the project be extended by three (3 months). Staff and Castle Wealth have agreed that a one-time extension of three (3) months will be an adequate extension to complete the project.

ADDITIONAL BACKGROUND

Castle Wealth is a registered investment advisory firm located and leasing office space at 1400 Centrepark Boulevard in West Palm Beach. The firm was founded 21 years ago by Christina Worley and has been in West Palm Beach since its inception. Last year, Castle Wealth Management expanded and acquired clients from a Connecticut firm increasing the number of full-time employees from 6-11. Due to the increase, Castle Wealth Management was required to lease additional space at 1400 Centrepark.

In 2019, Castle Wealth Management purchased a stand-alone office building located at 201 Arkona Court, as a permanent location with adequate size to accommodate continued growth. The building was built in 1969 and required extensive renovations and redevelopment.

The estimated cost of the renovation is still expected to total between \$500,000 and \$600,000. Castle Wealth's current grant agreement is in the amount of \$50,000 to be paid on a reimbursement basis assisting in making the building useable from its current dentist office form. This project also is a minority owned, targeted industry, small business meeting the City's draft economic development goals 1 - Talent, 2 - Business Climate, and 3 – Infrastructure

Resolution No. 24-20 extends the performance period and submittal deadlines of the Agreement to May 1, 2020.

COMMISSION DISTRICT: This project is located in Commission District 3 which is represented by Commissioner Richard Ryles.

Fiscal Note:

No fiscal impact, funding was established in the past.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS

RESOLUTIONS (11-15):

11. **Resolution No. 397-19 APPROVED granting "Face of the City" approval of the creation of the Heart & Soul Park and proposed improvements to the block located between 7th and 8th Street bounded to the East by Rosemary Avenue and to the West by Henrietta Avenue.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE DESIGN FEATURES PRESENTED TO THE CITY COMMISSION FOR THE PROPOSED DESIGN OF THE ABOVE-GROUND IMPROVEMENTS FOR HEART & SOUL PARK LOCATED BETWEEN 7TH AND 8TH ST ALONG ROSEMARY AVENUE TO THE EAST AND HENRIETTA AVENUE TO THE WEST; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22770

Staff Recommended Motion:

Approve Resolution No. 397-19.

Background:

The Heart & Soul Park concept was conceived during an extensive study of the area resulting in creation of Stull and Lee Report in 2002. This report became the Agency guide for strategic redevelopment of the Northwest Community. The plan contemplated identifying several sub-districts within the Northwest community; of which one of the districts was the "Sunset District" named after the Historic Sunset Lounge. The plan identified only one open public space in the community and as such suggested a small park in front of the Sunset that would serve as a venue for small scale jazz performances, organized or impromptu. After a series of public engagement meetings and charrettes; Heart & Soul park was conceived, and the name was appointed by the community. While the Stull and Lee Report contemplated half of the adjacent block, the Agency concluded the entire block would make the open space more of a cultural plaza and overflow performance venue.

Resolution No. 397-19 approves the design features for Heart & Soul Park as presented to the Commission.

Fiscal Note:

No fiscal impact.

12. Resolution No. 392-19 **APPROVED approving the Small Business Financial Support Consortium.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA APPROVING THE SMALL BUSINESS FINANCIAL SUPPORT CONSORTIUM; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22757

Staff Recommended Motion:

Approve Resolution No. 392-19.

Background:

The City of West Palm Beach ("City") enlisted the commitment of local banks and corporations to provide unique financial assistance to qualified small business enterprises (SBEs) under a newly created Small Business Financial Support Consortium ("Consortium"). Under the auspices of the City's SBE, Disabled Veterans and new Minority and Women Business Enterprise programs, the City wants to effectively support the companies it certifies, and which are awarded contracts through the City's Procurement Division.

Through this Consortium, the City provides information to small and/or minority/women owned businesses about the financial resources available to them as part of the City's Office of Equal Opportunity's respective role of directing SBEs and MWBEs to a pool of financial resources created by participating financial institutions.

The City is working with the following financial institutions to build a consortium of lenders that can provide a range of vehicles, from short-term working capital to capital investments for equipment:

- Valley National Bank (www.valley.com)
- Flagler Bank (www.flaglerbankusa.com)
- Seacoast Bank (www.seacoastbank.com)
- Black Business Investment Corporation
(<http://discover.pbcgov.org/HES/Pages/BBIC.aspx>)

In addition to the three foregoing banks which confirmed their participation by executing an acknowledgment issued by the City, the Black Business Investment Corporation (BBIC) will also be available to offer services to qualified African American-owned business enterprises in Palm Beach County. BBIC's services include business loan guaranties, bonding, equity capital, and assistance to African Americans who cannot obtain financing through other conventional sources.

Pursuant to each financial institution's respective eligibility requirements and underwriting criteria, applicants will provide relevant documentation, including proof of Minority/Women-Owned Business Enterprise and SBE certification, financial statements and other forms of verification. The loans provided through the new Small Business Financial Support Consortium will allow eligible companies to successfully fulfill contractual work with the City.

Fiscal Note:

No fiscal impact.

13. **Resolution No. 14-20 APPROVED** approving the Guaranteed Maximum Price for the Northwest Cultural Trail Improvements (7th Street) and the First Amendment to the Construction Manager at Risk Contract with Burkhardt Construction; and **Resolution No. 25-20 APPROVED** approving an Interlocal Agreement with the West Palm Beach Community Redevelopment Agency for funding of the Northwest Cultural Trail Improvements (7th Street) Project.

Resolution No. 14-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE CONSTRUCTION MANAGER AT RISK CONTRACT FOR THE NORTHWEST CULTURAL TRAIL (7TH STREET) AND PASSAGEWAY IMPROVEMENTS BETWEEN THE CITY OF WEST PALM BEACH AND BURKHARDT CONSTRUCTION TO ESTABLISH A GUARANTEED MAXIMUM PRICE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Resolution No. 25-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE PROJECT FUNDING AGREEMENT BETWEEN THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY AND THE CITY OF WEST PALM BEACH FOR THE NORTHWEST CULTURAL TRAIL (7th STREET) AND PASSAGEWAY PROJECT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22779

Staff Recommended Motion:

Approve Resolution Nos. 14-20 and 25-20.

Background:

The City and Burkhardt Construction, Inc., have entered into the Construction Manager at Risk Contract for Name Northwest Cultural Trail Improvements , dated March 11, 2019. Pursuant to Sections 2.3.6 and 7.4 of the Contract, the Guaranteed Maximum Price (“GMP”) for construction shall be established by a formal written amendment to the Contract.

Funding for this Project is fully budgeted and funded by the West Palm Beach Community Redevelopment Agency (CRA). Resolution No. 19-56 approves the Project Funding Interlocal Agreement with the CRA.

Resolution No. 14-20 approves the Guaranteed Maximum Price (“GMP”) for Name Northwest Cultural Trail Improvements (7th Street Improvements) in the amount of \$4,837,434.68 and approves the First Amendment to the Contract establishing the GMP.

Resolution No. 25-20 approves the project funding agreement with the CRA. A companion item is on the January 27, 2020 CRA agenda.

COMMISSION DISTRICT: The project is located in Commission District 3 - Commissioner Richard Ryles.

A companion CRA item, Resolution No. 20-9, will be presented to the City of West Palm Beach Commission in the January 27, 2020 agenda.

14. **Resolution No. 23-20 CONTINUED approving a grant and the donation of surplus vehicles to the Police Athletic League of West Palm Beach, Inc.**

Resolution No. 6-20(F) CONTINUED approving increased grant funding in FY 2019/20 from \$79,561 to an amount not to exceed \$125,000.

RESOLUTION NO. 23-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A GRANT AND THE DONATION OF SURPLUS VEHICLES TO THE POLICE ATHLETIC LEAGUE OF WEST PALM BEACH, INC.; APPROVING A GRANT AND DONATION AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 6-20(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 2019/20 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF APPROVING A DONATION OF TWO SURPLUS VEHICLES AND A GRANT AGREEMENT AMENDING THE GENERAL FUND BUDGET TO INCREASE CURRENT APPROPRIATIONS OF GRANT FUNDS ALLOCATED TO POLICE ATHLETIC LEAGUE OF WEST PALM BEACH, INC. TO SUPPORT ADDITIONAL ATHLETIC AND ACADEMIC PROGRAMS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22780

Staff Recommended Motion:

Approve Resolution Nos. 6-23 and 6-20(F).

Background:

The Police Athletic League of West Palm Beach, Inc., formed as an independent non-profit corporation in 2015. Prior to that time, it had been operated by the West Palm Beach Police Department. To continue support of PAL and its good work, the Police Department has annually provided grant funding. The City has provided a grant to the Police Athletic League for more than eight years to fund the salary of the Executive Director. The City previously entered into an agreement for fiscal year 2019-2020 to provide grant funding of \$79,561.

In order to provide more flexibility in the administration of the Police Athletic League of West Palm Beach and increase services seen as incredibly valuable to the education and opportunities provided to the youth of West Palm Beach, the Police Athletic League requested that the grant be increased to \$125,000, and the Police Department will agree to fund such increase for this fiscal year. The funding will utilize the originally budgeted funds of \$79,561 and reallocated funds of \$45,439 to meet the \$125,000 total. The Police Athletic League has asked for a further increase in funding to \$200,000 if the City can identify available funds.

Additionally, the Police Department desires to donate two passenger vans, both 2010 Ford E350 passenger vans, which have been utilized by PAL since their purchase. The current drivers are PAL employees who are also registered as volunteers with the Police Department and regularly have their licenses verified. However, the donation of the vans is part of the continuing separation of entities that began when PAL of West Palm Beach was established as a separate organization. The vans have been declared surplus. PAL will take title to the vans "as is", insure the vehicles and be responsible for their maintenance and repair.

Resolution No. 6-20(F) authorizes a Grant and Donation Agreement which will replace the previously executed grant agreement for Fiscal Year 2019-2020 and will increase the grant for this year to \$125,000, which may be further increased by amendment should the City identify a further funding source and obtain Commission approval. The Agreement also provides for the donation of the two vans. The Agreement is for a term of one year, covering Fiscal Year 2019-2020.

Fiscal Note:

Existing funds budgeted for previous grant agreement will be utilized and the shortfall will be transferred from vehicle maintenance allocation.

15. **Resolution No. 29-20 APPROVED amending an interlocal agreement between the City and CRA regarding staffing and funding of the CRA.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN AMENDED INTERLOCAL AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY FOR ADMINISTRATION OF THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY AND WEST PALM BEACH REDEVELOPMENT ACTIVITIES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22781

Staff Recommended Motion:

Approve Resolution No. 29-20.

Background:

The staffing and management of the West Palm Beach Community Redevelopment Agency is currently provided by Redevelopment Management Associates (RMA) pursuant to an Agreement for Management and Staffing of the West Palm Beach Community Redevelopment Agency and West Palm Beach Redevelopment Activities (Management and Staffing Agreement) executed on September 7, 2018. The funding of the Management and Staffing Agreement was authorized by an Interlocal Agreement for Administration of the West Palm Beach Community Redevelopment Agency (Interlocal Agreement). Under the current Management and Staffing Agreement, the Executive Director is provided by RMA. The CRA desires to do a search and hire an individual to be an employee of the City who shall be hired by and serves as Executive Director of the Community Redevelopment Agency at the pleasure of the CRA and to remove the position from the Management and Staffing Agreement. The change in staffing requires an amendment to the Interlocal Agreement and subsequent to negotiation with RMA, an amendment to the Management and Staffing Agreement. The proposed Amended Interlocal Agreement requires the City to create the position of Executive Director of the CRA, establish a pay scale, and provide all benefits that are available to other city employees and specifies that the CRA appoints the Executive Director who serves at the CRA's pleasure. The Amended Interlocal Agreement also obligates the CRA to reimburse the City the costs associated with the employment of the Executive Director. Resolution No. 29-20 authorizes the Mayor to execute the Amended Interlocal Agreement.

A companion CRA item, Resolution No. 20-15, will be presented to the City of West Palm Beach Commission in the January 27, 2020 agenda.

PUBLIC HEARING (16-17):

16. **Public Hearing and Second Reading of Ordinance No. 4829-19: **APPROVED** A City initiated request to amend Article X Supplemental District Regulations of Chapter 94 Zoning and Land Development Regulations to provide regulations for accessory structures and manufactured utility and tool sheds in the Echo Lake and Westfield Neighborhoods.**

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 94, ZONING AND LAND DEVELOPMENT REGULATIONS, ARTICLE X, SUPPLEMENTAL DISTRICT REGULATIONS, SECTION 94-304, ACCESSORY STRUCTURES, TO LIMIT THE SIZE AND LOCATION OF SHEDS AND PROHIBIT OTHER ACCESSORY STRUCTURES IN THE ECHO LAKE AND WESTFIELD NEIGHBORHOODS; DECLARING THIS AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22758

Staff Recommended Motion:

APPROVE Ordinance No. 4829-19, a text amendment to the Zoning and Land Development Regulations at Article X, Section 94-304 to amend the regulations regarding accessory structures to define and regulate manufactured utility and tool sheds and prohibit accessory structures in the Echo Lake and Westfield Neighborhoods. This motion is based upon the factual testimony presented, the application submitted, the staff report, the Planning Board recommendation, and the findings that the amendment is consistent with the Comprehensive Plan and complies with the standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

Background:

STANDARDS: The Planning Division has determined that the text amendment meets all eight (8) of the required amendment standards found in Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations.

Compliance with all of the above-referenced standards for both requests is detailed in Attachment I - Planning Board Staff Report.

PLANNING BOARD: The Planning Board recommended approval (7-0), of this Text Amendment request to the City Commission after a Public Hearing on September 17, 2019. As part of their recommendation for approval, the Planning Board indicated that they felt that banning accessory structures out right is probably an overreaction to the oversize structure built within their neighborhood. The proposed regulations were a balance between the rights of the homeowners to use their property and the rights of the neighborhood.

ANALYSIS: At the City Commission meeting of December 16, 2019, the City Commission approved Ordinance No. 4829-19 on Second Reading and requested a Third Reading to allow the North Shore Neighborhood Association Board time to meet to discuss the proposed Ordinance. In addition, as part of that motion, the Commission directed staff to define habitable structures. Staff received a letter from the President of the North Shore Neighborhood Association on January 10, 2020 (shown in Attachment II), indicating that the North Shore Neighborhood is unable to opt-in to the proposed Ordinance. Therefore, the North Shore Neighborhood has been removed from this request/ordinance.

At the City Commission meeting of November 18, 2019, the City Commission tabled Ordinance No. 4829-19 and directed staff to prohibit accessory structures in the Echo Lake and Westfield neighborhoods. Therefore, in addition to the regulations concerning sheds, the proposed regulations will prohibit accessory structures (detached garages, storage buildings, playhouses, garden structures, pool houses and private residential living quarters [without kitchens]) within the three neighborhoods.

At the City Commission meeting of February 11, 2019, the City Commission tabled Ordinance No. 4829-19, and directed staff to include regulations that would regulate the size of accessory structures in the Echo Lake, North Shore and Westfield neighborhoods. Therefore, in addition to the regulations concerning sheds, staff is proposing that accessory structures located in these three (3) neighborhoods be limited to 25% of the gross square footage of the primary structure not the 75% that is currently permitted in the remainder of the City.

Over the years, there have been two (2) instances, particularly in the north end of the City (Echo Lake and Westfield neighborhoods), where accessory structures/sheds have been built that were oversized and visible from the road. As a result, the Mayor directed staff to review the accessory structure regulations in an effort to prevent structures, particularly like the one shown in Attachment II of the Planning Board Report, from being constructed in residential districts.

In 2014, the City amended the Zoning and Land Development Regulations in response to community concerns regarding the size and location of accessory structures. That text amendment limited the size and prevented the placement of these structures in front of the primary structure. That amendment also changed the requirements for accessory garage apartments to make it simpler to construct one within a Single-Family High (SF14) Density zoning district only. Sheds are considered accessory structures and are currently regulated by the standards below:

Accessory structures in residential districts.

- (1) Maximum Square Footage: The total floor area of all roofed accessory buildings on a property shall not exceed 75 percent of the gross floor area of the primary structure with a maximum floor area of 1,000 square feet.

- (2) Setbacks:
- Front: 25 feet.
 - Side: Five (5) feet from the lot lines.
 - Corner: Same as required for principal structure.
 - Rear: Five (5) feet minimum or 15 feet from the centerline of the alley to a garage door facing the alley, whichever is greater.
- (3) Building Separation: Accessory structures covered with a solid roof shall be located no closer than six (6) feet to the principal structure. Accessory structures less than six (6) feet from the primary structure must meet the primary structure setbacks. Accessory structures may be connected to the principal structure with a canvas covered open breezeway.
- (4) Height: Accessory structures shall not exceed 25 feet.

Staff had two meetings with representatives from the Echo Lake, North Shore and Westfield Neighborhood associations concerning regulating accessory structures/sheds in their neighborhoods. Their main concern is preventing accessory structures and sheds that can be seen from the street from being built. Staff had difficulty writing regulations that addressed their concerns over the size and location of the accessory structures, without negatively impacting the remainder of the Single-Family Low Density (SF7) Residential zoned districts in the City. The representatives wanted to limit sheds to between 100 to 120 feet and only be allowed behind the primary structure, outside of the side setbacks. The City currently has 12 neighborhoods that have a SF7 zoning designation that would be impacted by any changes to the regulations. However, at the direction of the City Commission, this amendment will only apply to the Echo Lake and Westfield Neighborhoods.

Currently, the Florida Building Code exempts storage sheds that are not designed for human habitation and that have a floor area of 720 square feet or less. These sheds are not required to comply with the mandatory wind-borne-debris-impact standards of the Florida Building Code. In addition, such buildings that are 400 square feet or less and that are intended for use in conjunction with one- and two-family residences are not subject to the door height and width requirements of the Florida Building Code. It is important to note that the lot where the large accessory structure shown in Attachment II (not considered a shed by building code) was built, is a pie/flag shaped lot which allowed the placement of the structure that is visible from the street.

COMMISSION DISTRICT: This amendment to the Code of Ordinance will only impact the neighborhoods of Echo Lake and Westfield, which are located within Commission District No. 1- Commissioner Kelly Shoaf.

17. **Public Hearing and Second Reading of Ordinance No. 4868-19 APPROVED approving the Real Property Lease Management Policy for the purposes of providing a framework governing the leasing and rental decisions of real property owned by the City of West Palm Beach.**

ORDINANCE NO. 4868-19; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE REAL PROPERTY LEASE MANAGEMENT POLICY; PROVIDING A CONFLICTS AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22783

Staff Recommended Motion:

Approve Ordinance No. 4868-19.

Background:

The City of West Palm Beach operates as a landlord leasing real property to non-profit and for-profit organizations for a variety of public and private uses and/or purposes. The Department of Housing and Community Development has been tasked with the responsibility to oversee and administer more than 30 leases for various properties City-wide. In efforts to provide a framework governing leasing and rental decisions of real property owned by the City, the Department has developed the Real Property Lease Management Policy. Some of the objectives of the proposed policy are to:

- Establish fair and standard criteria for selecting tenants to lease available property;
- Establish a selection and negotiation processes that is open and transparent;
- Establish standard methodology for determining rents and rent adjustments;
- Evaluate performance of leases; and
- Provide general terms and conditions.

All leases of City property shall be drafted by the Office of the City Attorney and shall contain the legal terms deemed appropriate by the Office of the City Attorney based on the use, the property and other relevant factors. The Director of Housing and Community Development shall recommend for final approval of all leases by the City Commission that are consistent with the Policy, which will be included in new leases, lease extensions and lease modifications.

A copy of the Real Property Lease Management Policy is attached hereto as Exhibit A.

On January 13, 2020, the City Commission approved Ordinance No. 4868-19 on first reading.

**PUBLIC HEARING – QUASI JUDICIAL (18-19):
DISCLOSURE OF EX PARTE COMMUNICATIONS, IF ANY*
SWEARING IN OF WITNESSES**

18. **Public Hearing of Resolution No. 398-19: **APPROVED** Regarding a request by Ken Tuma and Michelle Cuetara, of Urban Design Kilday Studios, on behalf of The District Flats LLC and Jamco Inc., for a Major Amendment to the Clare Mixed Use Commercial Planned Development to amend a condition of approval regarding the required sound transmission classification for the building windows.**

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE CLARE MIXED USE COMMERCIAL PLANNED DEVELOPMENT TO AMEND A CONDITION OF THE DEVELOPMENT REGULATIONS REGARDING THE REQUIRED SOUND CLASSIFICATION FOR THE BUILDING WINDOWS; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22785

Staff Recommended Motion:

APPROVE Resolution No. 398-19 to amend the Development Regulations for the Clare Mixed Use Planned Development to modify a condition regarding the windows to allow windows with a sound transmission classification of 33. This motion is based upon the factual testimony presented, the application submitted, the finding the amendment is consistent with the Comprehensive Plan and it complies with the standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

Background:

The Clare Avenue CPD is composed of four parcels located north and south of Clare Avenue consisting of 1630 Clare Avenue, 1701 Clare Avenue, 1940 Clare Avenue and 1980 Clare Avenue. The properties are to be developed in two phases, which are to be replatted with each phase.

Phase One (Pod A): Consists of ±3.14 acres and is located at 1701 Clare Avenue (on the north side of Clare Avenue) and is under construction for a development called the District Flats.

Phase Two (Pod B): Consists of ±2.41 acres property and is located at 1630 Clare Ave, 1940 Clare Ave, and 1980 Clare Avenue (on the south side of Clare Avenue). These parcels are currently developed with approximately 55,519 sq. ft. of office, warehouse and automotive uses. No site plan has been submitted for the redevelopment of these parcels.

The initial approval for the Clare Mixed Use Commercial Planned Development (CPD) was in 2018. It included a future land use amendment and rezoning from industrial to Commercial East and Industrial to Commercial Planned Development respectively. The initial approval included a Phase One development plan for 173 residential units and 3,706 sq. ft. of commercial and Phase Two entitlements was approved for 133,633 sq. ft. of commercial. The site is currently under construction to build 178 residential apartment units and a 2,487 square foot commercial restaurant.

In 2019, the amended plans for the Clare Mixed Use Commercial Planned Development (CPD) were approved. The amended plans included five more residential units with all the commercial entitlements for phase one and two remaining the same. The biggest changes were the phase one site plan layout and architecture. The site was reorganized, and the shape of the building was simplified. The overall building height was reduced, and the architecture included less glass material.

The proposed residential units are surrounded by industrial uses to the north, industrial and commercial uses to the east, industrial and commercial uses to the south and residential uses to west. To lessen the impacts of noise, a condition of the approved development regulations required windows with a sound transmission classification of 45 in order to reduce exterior noise for the residential units.

REQUEST: After amendment of the architecture and further design development and analysis, the applicant asserts that this condition is too restrictive and does not address the entire building construction as part of the reduction of sound transmission. The applicant has provided a technical analysis that a standard impact window, which has a sound transmission classification (STC) rating of 33, combined with the average rating for the exterior walls, will result in a sound transmission classification above 45, which is within the industry standards for residential units. The applicant has completed the up-front technical analysis with the manufacturer specifications.

ANALYSIS: The applicant has provided an Acoustical Study and an Architectural Technical Study for reference. The analysis has been reviewed and accepted by the City's Building Division.

Resolution No. 398-19 amends the Development Regulations for the Clare Mixed Use Planned Development to modify a condition regarding the windows to allow windows with a sound transmission classification of 33.

Compliance with the standards of Sec. 94-32 have been detailed in Section 4 of the Resolution.

NOTICE: A 10-day legal ad was displayed in the Palm Beach Post on January 17, 2020.

19. **Public Hearing and First Reading of Ordinance No. 4889-19: CONTINUED**
Regarding a request by David Needle, on behalf of Village Commerce Corp, for a Major Amendment to Parcel "B" located at 5205 Village Boulevard, within the 45th Street Business and Industrial Park Commercial Planned Development, to allow the addition of a "Type V Group Home" to the uses permitted by right within Parcel "B" of the CPD.

ORDINANCE NO. 4889-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO PARCEL B OF THE 45TH STREET BUSINESS AND INDUSTRIAL PARK COMMERCIAL PLANNED DEVELOPMENT, GENERALLY LOCATED ON VILLAGE BOULEVARD, NORTH OF 45TH STREET, TO MODIFY THE PERMITTED USES TO ALLOW "GROUP HOME TYPE V" USES PERMITTED BY RIGHT WITHIN PARCEL B OF THE COMMERCIAL PLANNED DEVELOPMENT; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22786

Staff Recommended Motion:

APPROVE Ordinance No. 4889-19, approving the Major Amendment to the 45th Street Business and Industrial Park Commercial Planned Development to allow "Group Home Type V" as a use permitted by right within Parcel B of the CPD. This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and the findings that the amendment is consistent with the Comprehensive Plan and complies with the standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

Background:

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

The 45th Street Business and Industrial Park Commercial Planned Development (the "CPD") is located on the west side of Village Boulevard, one-quarter mile north of 45th Street. The one-acre site has evolved through a series of amendments over the past 30 years to include not only industrial type uses, but also business and medical offices and commercial uses. The CPD is divided into Parcels A and B. Parcel B has been fully developed. Parcel A is divided into two parcels known as the "FPL Parcel" and the "Barnett Bank Parcel." The subject of this application is 5205 Village Boulevard, which is located within Parcel B of the development.

On August 10, 1981, the City Commission approved Ordinance No. 1590-81 establishing the CPD. The CPD has been amended a few times, as outlined below:

- Ordinance No. 1926-86 – A Major PD Amendment, amending Ordinance No. 1590-81 modifying the site plan and restricting the permitted uses to only allow uses from a specified list in the Development Order (DO) for this CPD.
- Ordinance No. 2149-88 - A Major PD Amendment, amending Ordinance No. 1926-86, to limit the uses permitted in “Parcel B” of the CPD to be those uses permitted in the General Commercial (GC) Zoning District.

The applicant, David Needle, on behalf of Village Commerce Corp. is proposing a Major Amendment to amend Ordinance No. 2149-88, to add “Group Home Type V” to the uses “Permitted by Right” in Parcel B within the CPD, for a proposed medical detoxification center. Currently, the uses permitted within the CPD are governed by Article IX, Sections 94-272 and 94-273 of the City’s Zoning and Land Development Regulations and utilize the underlying zoning of General Commercial (GC) as the basis for such. The ZLDRs provide that “Group Home Type V: A home for individuals classified as former substances abusers, participants in inmate release programs, etc.” are only permitted within the GC zoning district upon the approval of a Class B Special Use Permit, issued by the Zoning Board of Appeals. Because the property is a Commercial Planned Development governed by its own Development Order (DO), the applicant is requesting that the DO be amended to include such a use, as a use “Permitted by Right”. By requesting that this use be “Permitted by Right”, the applicant is proposing that the use be allowed without gaining an approval from the Zoning Board of Appeals, when located within Parcel B of the CPD.

If reviewed as a Class B Special Use Permit, it would be subject to the additional requirements of Section 94-273(d)(28)(c) of the ZLDRs (applicable to Type V), which are outlined below:

1. Residential character/district compatibility. If a group home is located within a residential district, it shall be maintained to conform to the character of that neighborhood. This standard applies to design, density, lot size, landscaping, or other factors affecting the neighborhood's character. This will prevent disruption of a neighborhood due to the introduction of a dissimilar structure.
2. A group home facility shall be located a minimum of 1,200 feet from another such facility; provided, however, that this standard shall not apply between any group home facilities when both of such facilities are located entirely within the community service (CS) zoning district.
3. No signs denoting the name and/or purpose of a special residential use shall be allowed in any residential district.

4. Facilities located in nonresidential areas shall be maintained in the general character of the surrounding area. This standard applies to design, lot size, landscaping, and other factors affecting the character of the area.
5. The total occupancy of a structure designed for a group home use shall not exceed that allowed in section 16.1.7.1 of the Life Safety Code (or 200 square feet per occupant). For homes on a local street, occupancy shall not exceed two clients per total number of bedrooms minus one, or two clients per bathroom, whichever is less.
6. The standards in the chapter which is entitled "Lodging or Rooming Houses," in the Life Safety Code (see subsection 3109 of this Code) shall be the minimum standards for group homes.
7. Licensed nursing homes in residential districts may have 2.5 times as many beds as dwelling units permitted in that district.
8. Parking shall be provided pursuant to Article XV of this chapter.
9. Dwelling units in group homes shall have a minimum living area of 450 square feet.

By requesting that this use be "Permitted by Right", the applicant is proposing that the use be allowed without any additional requirements and that the standards provided above not apply to the use when located within Parcel B of the CPD. Please note, however, the proposed project does/will comply with all of the additional standards required by Section 94-273(d)(28)(c) with the exception of #2.

#2 - A group home facility shall be located a minimum of 1,200 feet from another such facility: The proposed location of the Type V Group Home is located within the 1,200 foot radius of an existing Type I group home, Rehabilitations Center of the Palm Beaches, located at 301 Northpoint Parkway, inside of the Northpoint CPD. The Northpoint CPD has approved group homes as a use "Permitted by Right", so the distance separation was not required for approval of this group home, inside of a CPD.

Staff would like to note that the Metrocentre, Northpoint as well as Congress Crossings are all CPDs that permit "Group Home" uses by right within the CPD.

CONCLUSION: It is Staff's professional opinion that this proposed use is compatible with the surrounding commercial, business and medical office uses, and the applicant's request to add "Group Home Type V" to the uses "Permitted by Right" for Parcel B in this CPD, should be granted. The Development Services Department – Planning Division has found that the request satisfies all of the amendment standards found within the City's Zoning and Land Development Regulations. Therefore, Staff is recommending approval of the request subject to the conditions outlined in the staff report.

PLANNING BOARD: After a Public Hearing on December 17, 2019, the Planning Board voted (6-1) to recommend approval of the request. The recommendation was made subject to the conditions proposed by Staff.

PUBLIC NOTICE: Individual notices were mailed to all property owners within 500 feet of the property, and signs were posted on the subject property. The Ordinance will be advertised in advance of Second Reading.

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

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.