



**City of West Palm Beach  
City Commission**

**AGENDA**

**April 5, 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 JOSEPH A. PEDUZZI**

**COMMISSIONER KELLY SHOAF  
COMMISSIONER CHRISTY FOX**

**COMMISSIONER SHALONDA WARREN  
COMMISSIONER CHRISTINA LAMBERT**

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

**CALL TO ORDER:**

**INVOCATION:**

**PLEDGE OF ALLEGIANCE:**

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

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

**ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA:**

**PROCLAMATIONS (1-2):**

1. **Proclaiming April 9, 2021 as The Lord's Place SleepIn for SleepOut Homelessness Awareness Day. Proclamation to be accepted by Diana Stanley, CEO of The Lord's Place.**  
*Agenda Cover Memorandum No.: 23292*
2. **Proclaiming April 11-17, 2021 as National Public Safety Telecommunications Week. Proclamation to be accepted by Suzette Dodd, Telecommunications Manager, West Palm Beach Police Department.**  
*Agenda Cover Memorandum No.: 23278*

**CONSENT CALENDAR (3-7):**

3. **Minutes of the Regular City Commission Meeting of March 8, 2021.**  
*Agenda Cover Memorandum No.: 23279*

**Staff Recommended Motion:**

Approve the Minutes of the Regular City Commission Meeting of March 8, 2021.

4. **Minutes of the Regular City Commission Meeting of March 22, 2021.**  
*Agenda Cover Memorandum No.: 23280*

**Staff Recommended Motion:**

Approve the Minutes of the Regular City Commission Meeting of March 22, 2021.

5. **Resolution No. 70-21 approving a funding interlocal agreement for the amount of \$9,500 between the City and the CRA for funding of the installation of a rainbow-colored crosswalk in Northwood Village at the intersection of Northwood Road and Spruce Avenue.**

**RESOLUTION NO. 70-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A PROJECT FUNDING INTERLOCAL AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY FOR AN AMOUNT NOT-TO-EXCEED \$9,500 FOR THE NORTHWOOD VILLAGE RAINBOW CROSSWALK; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23281*

**Staff Recommended Motion:**

Approve Resolution No. 70-21.

**Background:**

The LGTBQ community and members of the Northwood business community requested a rainbow-colored crosswalk to reflect the original Pride Flag at the intersection of Northwood Road and Spruce Avenue, in Northwood Village ("Rainbow Crosswalk"). The City Commission desires to recognize all members of the City community, including all LGTBQ members and found that the requested Rainbow Crosswalk implements the Commission's desire. Resolution No. 247-20 previously granted Face of the City approval of the design features of the Rainbow Crosswalk.

The total cost of the Rainbow Crosswalk project is estimated at \$14,500; the City of West Palm Beach will fund the amount of \$5,000 through the ArtLife WPB fund. The Funding Agreement between the City and CRA shall establish the authority for the City to access and encumber CRA funds for the project for an amount not to exceed \$9,500. Resolution No. 70-21 approves the City and the CRA's execution of the Funding Agreement for \$9,500.

There is a companion item on the CRA's Agenda as Resolution No. 21-16.

Commission District 1: Commissioner Kelly Shoaf.

**Fiscal Note:**

No general fund fiscal impact--\$5,000 from City to be funded through the CRA's public art support account.

6. **Resolution No. 58-21 granting approval of BellSouth Telecommunications, LLC d/b/a/ AT&T Southeast agreement, in the amount of \$40,212.03 in connection with the undergrounding of overhead utilities for the Tamarind Avenue Streetscape project.**

**RESOLUTION NO. 58-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE SPECIAL CONSTRUCTION AGREEMENT BETWEEN BELLSOUTH TELECOMMUNICATIONS, LLC D/B/A AT&T SOUTHEAST AND THE CITY OF WEST PALM BEACH IN CONNECTION WITH THE UNDERGROUNDING OF OVERHEAD UTILITIES FOR THE TAMARIND AVENUE IMPROVEMENTS PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23282*

**Staff Recommended Motion:**

Approve Resolution No. 58-21.

**Background:**

The City Commission of the City of West Palm Beach has determined that undergrounding utilities provides public benefits by reducing outages and damage from storms and provides an aesthetic benefit to the community.

The City of West Palm Beach has requested that BellSouth Telecommunications, LLC d/b/a/ AT&T Southeast (AT&T) convert the overhead distribution facilities to underground utilities within the Right of Way along Tamarind Avenue from Banyan Boulevard to Palm Beach Lakes Boulevard. AT&T will own and maintain the completed facilities.

City Commission approved Resolution No. 341-20 on December 14, 2020 approving the interlocal Funding Agreement between the City and CRA accepting \$16,500,000 of CRA funding toward the Tamarind Avenue Streetscape Project. The estimated amount of \$40,212.03 to AT&T as part of this agreement will be funded utilizing this account. A calculation of the final amount due to AT&T will be provided once the facilities are installed.

Resolution No. 58-21 approves the Special Construction Agreement provided by AT&T in connection with the undergrounding of overhead utilities for the Tamarind Avenue Improvements project.

Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

The estimated cost is \$40,212.03. The CRA will fund \$16,500 of this amount.

This fee will be funded out of the Tamarind Avenue Streetscape Fund 356.12420.559.500630.30378749.

**7. Resolution No. 71-21 approving the first amendment to the qualified targeted industry grant agreement between the City of West Palm Beach and Levatas, LLC.**

**RESOLUTION NO. 71-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE QUALIFIED TARGET INDUSTRY AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND “PROJECT CAPTAIN JACK” A/K/A LEVATAS, LLC; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23284*

**Staff Recommended Motion:**

Approve Resolution No. 71-21.

**Background:**

Project Captain Jack a/k/a Levatas is an information technology company specializing in custom computer programming services planning to relocate to the City of West Palm Beach. In partnership with the Florida Department of Economic Opportunity, Enterprise Florida, Business Development Board of Palm Beach County, and Palm Beach County, the City approved incentives to bring Project Captain Jack's 77 existing employees and an additional 50 more jobs to West Palm Beach.

Project Captain Jack's Qualified Target Industry Agreement was approved in 2020. Due to COVID-19, the company has asked to exercise their "push option" to extend the deadline for the 2020 job creation requirements. The State of Florida Department of Economic Opportunity is supportive of this time extension.

The Amendment extends the job creation deadlines, modifies the incentive payment schedule, and authorizes the Mayor to execute future time extensions, if the request is approved by the Department of Economic Opportunity.

Additional information regarding the incentive package is as follows:

The total Qualified Targeted Industry incentive package to the company is \$350,000. The State of Florida will fund 80% of the cost at \$280,000. The remaining \$70,000 required local match will be paid by Palm Beach County (10% or \$35,000) and the City of West Palm Beach (10% - \$35,000). Payments will occur over no less than a four (4) year period. Incentives are paid after the company has met their job creation obligation from the prior year. Captain Jack's total job creation incentive averages to \$7,000 per job. The amended job creation and payment schedule for the City of West Palm Beach is:

- 10 Jobs created 2021 - \$7,000
- 10 Jobs created 2022 - \$7,000
- 10 Jobs created 2023 - \$7,000
- 20 Jobs created 2024 - \$14,000

Average annual wage of an employee in the Captain Jack company is at \$105,490 per job or 200% above the average wage in Palm Beach County. The location of the potential office has been estimated to be 20,000 square feet with an investment of over \$1.5 million. This is will be the company's national headquarters, and it is considered a small business.

Commission District 3: Commissioner Christy Fox.

**RESOLUTION (8):**

8. **Resolution No. 66-21 to amending Resolution No. 390-19 to extend the deadlines for completing the rehabilitation of property and paying outstanding assessments and approving a conditional release of liens on property located at 939 35th Street and 720 L A Kirksey Street.**

**RESOLUTION NO. 66-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING RESOLUTION NO. 390-19; AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A RELEASE OF CODE ENFORCEMENT LIENS ENCUMBERING CERTAIN REAL PROPERTY LOCATED AT 939 35TH STREET AND 720 L A KIRKSEY STREET, WEST PALM BEACH, FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23283*

**Staff Recommended Motion:**

Resolution No. 66-21 is brought at the request of the property owner for consideration by the City Commission.

**Background:**

The City Commission previously approved Resolution No. 390-19 to provide a conditional waiver of code enforcement liens on property located at 939 35th Street and 720 L A Kirksey. Resolution No. 390-19 required payment of a reduced administrative fine, payment of all assessments and resolution liens by April 14, 2020 and completion of the property rehabilitation by December 14, 2020. The property owner paid the reduced administrative fine but did not timely fulfill the remaining conditions. The owner has requested an extension of time to complete the conditions and obtain a release of the City's liens. Resolution No. 66-21 would amend the previous resolution to allow the property owner until April 30, 2021 to pay the assessments and resolution liens and to complete the property rehabilitation.

**Fiscal Note:**

No fiscal impact.

**PUBLIC HEARINGS (9-10):**

9. **Public Hearing and Second Reading of Ordinance No. 4923-20 authorizing the sale and conveyance of property located at 944 McIntosh Street to Buena Vista Homes of the Palm Beaches, Inc. for \$96,000 and authorizing the Mayor to execute all documents necessary for the sale and conveyance.**

**ORDINANCE NO. 4923-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE SALE AND CONVEYANCE OF THE PROPERTY LOCATED AT 944 MCINTOSH STREET TO BUENA VISTA HOMES OF THE PALM BEACHES, INC., FOR \$96,000; AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY FOR THE SALE AND CONVEYANCE OF THE PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23285*

**Staff Recommended Motion:**

Approve Ordinance No. 4923-20 at Second Reading.

**Background:**

On October 19, 2020, via Resolution No. 260-20, the City Commission approved the surplus and disposition of property located at 944 McIntosh Street, PCN No. 74-43-43-04-21-002-0250, 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, including 944 McIntosh Street, 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 City's Code of Ordinances, a sale or lease of City-owned property, which is assessed by the county property appraiser between \$50,000 and \$500,000 requires one (1) appraisal. As such, an appraisal was obtained from Anderson & Carr, Inc., which determined the market value to be \$95,000.

The City received seven (7) offers to purchase City-owned property located at 944 McIntosh Street ranging from \$80,000 to \$97,000. The highest offer has decided not to move forward with the purchase of this property. Therefore, the City has accepted the second highest offer of \$96,000 from Buena Vista Homes of the Palm Beaches, Inc.

The proceeds of the sale will be deposited into the City's General Fund.

In accordance with Section 2-31(27) (d) and (e) of the Code of Ordinance, Ordinance No. 4923-20 authorizes the sale and transfer of the property to Buena Vista Homes of the Palm Beaches, Inc., for \$96,000 and approves entering into a Sale and Purchase Agreement. The Ordinance must be approved by 4/5 of the Commission at either First or Second Reading as required by the Code. The Ordinance further releases the mineral and petroleum rights the City has in the Property.

Commission District 5: Commissioner Christina Lambert.

10. **Public Hearing and First Reading of Ordinance No. 4937-21 amending the Code of Ordinances to create the Office of Economic Opportunity; amending the Procurement Code to transfer authority for the Small Business Program and the MWBE Program to the director of the Office of Economic Opportunity; and amending the Small Business Program to increase the small business participation goal for construction and master contracts to 18%.**

**ORDINANCE NO. 4937-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES AT CHAPTER 2 – ADMINISTRATION, DIVISION 1 – MAYOR’S OFFICE, TO CREATE SECTION 2-135 – OFFICE OF ECONOMIC OPPORTUNITY; FURTHER AMENDING THE CODE OF ORDINANCES AT CHAPTER 66 – PROCUREMENT, ARTICLE IX – SMALL BUSINESS PROGRAM, TO INCREASE THE GOAL FOR SMALL BUSINESS PARTICIPATION TO 18% FOR CONSTRUCTION AND MASTER CONTRACTS; AND TO REFLECT ADMINISTRATION OF THE PROGRAM BY THE OFFICE OF ECONOMIC OPPORTUNITY; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23286*

**Staff Recommended Motion:**

Approve Ordinance No. 4937-21 on First Reading and schedule a Second Reading for April 19, 2021.

**Background:**

It is the policy of the City of West Palm Beach that all businesses be afforded an opportunity for full participation in the City’s procurement system. In enactment of the policy, the City of West Palm Beach established a Small Business Program Ordinance to spur economic development by encouraging small businesses to locate and remain in Palm Beach County, especially within the City and to provide for participation of small businesses in City contracts.



The City's Office of Economic Opportunity ("OEO") was established by Mayor Keith A. James to ensure fair business practices in the City of West Palm Beach. The OEO is responsible for coordinating and facilitating programs that foster workforce development, business development, and professional education and training. The OEO welcomes small-, minority-, and women-owned businesses to be active participants in the City's procurement process. The OEO educates and informs all businesses of how to work with the City. The office also tracks the compliance of City departments and Prime Contractors on their inclusively, diversity and accessibility of procurement solicitation. Previously the functions of the OEO were part of the procurement division of the City. This Ordinance will amend the code to reflect the administration of the Small Business Program by the Office of Economic Opportunity.

For many years, the Small Business Program Ordinance has established a goal of 15% participation by small businesses in construction contracts, and master contracts, when MWBE requirements are not applicable.

In keeping with Mayor James' vision of working to create a "Community of Opportunity for All" in our city, the City's Small Business Program exceeded the 15% small business participation goal in the competed procurements for 2019-2020. In its final 2020 report, the Office of Economic Opportunity announced that an eighteen percent (18%) participation level was achieved. The total amount of Small Business Payments, year to date, was \$12,896,966, equivalent to 18% of total dollars expended.

The operation and administration of the Small Business Program has been revised from time to time to reflect changes in the market or the administration of the Program, and to ensure that the purposes of the Ordinance continue to be met. OEO staff believes that the higher level of small business participation can continue to be achieved and recommends amendment of the Small Business Program Ordinance to establish a goal of 18% participation by small businesses in construction contracts, and master contracts, when MWBE requirements are not applicable.

Ordinance No. 4937-21 amends the City Code to create the Office of Economic Opportunity; amend the Procurement Code to transfer authority for the Small Business Program and the MWBE Program to the director of the Office of Economic Opportunity; and amend the Small Business Program to increase the small business participation goal for construction contracts and master contracts to 18%.

**Fiscal Note:**

No direct fiscal impact. Approval will result in additional contract participation by small businesses.

**PUBLIC HEARING – QUASI JUDICIAL (11-14):  
DISCLOSURE OF EX PARTE COMMUNICATIONS, IF ANY\*  
SWEARING IN OF WITNESSES**

11. **Public Hearing and Second Reading of Ordinance No. 4939-21 approving the Local Landmark district designation of 310 North Olive Avenue, also known as St. Ann's Catholic Church, on the West Palm Beach Local Register of Historic Places.**

**ORDINANCE NO. 4939-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DESIGNATING 310 NORTH OLIVE AVENUE AS A HISTORIC LANDMARK PROPERTY ON THE WEST PALM BEACH REGISTER OF HISTORIC PLACES; PROVIDING FOR THE TRANSFER OF DEVELOPMENT RIGHTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23287*

**ITEM TO BE CONTINUED TO MAY 3, 2021 AGENDA.**

12. **Public Hearing and Second Reading of Ordinance No. 4940-21 approving the historic designation of 823 Belvedere Road, also known as H.G. Roosters, on the West Palm Beach Local Register of Historic Places.**

**ORDINANCE NO. 4940-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DESIGNATING 823 BELVEDERE ROAD AS A HISTORIC SITE ON THE WEST PALM BEACH REGISTER OF HISTORIC PLACES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23288*

**Staff Recommended Motion:**

Approve Ordinance No. 4940-21 for the designation of 823 Belvedere Road as a historic site on the West Palm Beach Register of Historic Places. This motion is based upon the recommendation of the Historic Preservation Board, the factual testimony presented, the application submitted, the staff report, and the finding that the criteria set forth in Sec. 94-48 of the Zoning and Land Development Regulations have been met.

**Background:**

As historic preservation evolves, there is a need to continue to identify sites that are significant to under-represented communities and tell a more comprehensive story of the past. The site at 823 Belvedere Road is significant, not necessarily for its architecture, even though the stone clad exterior and its signage has become a visual landmark, but more for the role the location has played in the community. The site has been a safe gathering space for the LGBTQ+ community for over sixty (60) years. It has also been instrumental in being a leader in philanthropic efforts on behalf of the AIDS pandemic, Breast Cancer, and other charities, as well as sponsoring various gay pride initiatives.

It is the City staff's recommendation that the Commission approve the applicant's request to designate the building at 823 Belvedere Road, also known as H.G. Roosters, as a Historic Site. It meets Criteria A and B, as defined in Section 94-48(a)(1) of the Zoning and Land Development Regulations. Specifically, the building is at least fifty (50) years old, it is associated with events that have made a significant contribution to the broad patterns of the City's history, and it is associated with a singular location that is unique or possesses singular physical characteristics that make it an established, or familiar visual feature.

Approved at First Reading on March 22, 2021 (5-0).

Commission District No. 5: Commissioner Christina Lambert.

**Fiscal Note:**

No fiscal impact.

13. **Public Hearing of Resolution No. 57-21 regarding a request by Christina Bilenki of Dunay Miskel and Backman, LLC, on behalf of Slope Trail Acquisition, LLC for a Major Amendment to the Palms Gateway Commercial Planned Development located at the southeast corner of Belvedere Road and Australian Avenue, to amend the Master Development Plan and to provide for the construction of a 3,708 square foot car wash facility on Tract #2 of the planned development.**

**RESOLUTION NO. 57-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE PALMS GATEWAY COMMERCIAL PLANNED DEVELOPMENT, LOCATED AT THE SOUTHEAST CORNER OF BELVEDERE ROAD AND AUSTRALIAN AVENUE; TO AMEND THE MASTER DEVELOPMENT PLAN AND TO PROVIDE FOR THE CONSTRUCTION OF A 3,708 SQUARE FOOT CAR WASH FACILITY ON TRACT #2 OF THE PLANNED DEVELOPMENT; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23289*

**Staff Recommended Motion:**

Approve Resolution No. 57-21, which will approve the Major Amendment to the Palms Gateway Commercial Planned Development to amend the Master Development Plan and provide for the construction of a 3,708 square foot car wash facility on Tract #2. 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 and 94-35 of the City's Zoning and Land Development Regulations.

**Background:**

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

The 1.08-acre subject property (Tract #2) is one of four tracts within the 8.55-acre Palms Gateway Commercial Planned Development (CPD), a former brownfield site rezoned to a planned development in 2015 to enable a master planned commercial redevelopment project. To date, all Tracts within the CPD have been developed with exception of Tract #2.

In 2018, a 2,418 square foot Del Taco fast food restaurant with a drive-through facility was approved for development on Tract #2 (Reference: Resolution No. 233-18); however, the restaurant chain decided not to move forward with the construction of the restaurant, leaving the Tract undeveloped. Slope Trail Acquisitions, LLC, the current contract purchaser of the subject property, is seeking approval to construct a 3,708 square foot automated car wash facility on Tract #2 of the CPD. The proposed car wash facility will consist of one (1) car wash tunnel and three (3) payment lanes, and thirteen (13) self-serve vacuum stations. The Master Development Plan for the overall CPD, the Site Plan, Landscape Plan, and Architectural Drawings for the proposed car wash facility are provided.

**CONCLUSION:** It is Staff's professional opinion that the proposed car wash facility is compatible with the uses within the CPD as well as the surrounding area. Additionally, the project does not seek any waivers from the development standards of the ZLDRs. The Development Services Department – Planning Division has found the requests to comply with the Amendment Standards of Section 94-32 and the Site Design Qualitative Development Standards of Section 94-35(c) of the Zoning and Land Development Regulations (ZLDRs); and therefore, Staff is recommending approval, subject to the conditions outlined in Resolution No. 57-21.

**PLANNING BOARD:** After a Public Hearing on February 16, 2021, the Planning Board recommended approval (6-0) of the request, subject to the condition contained in the Staff Report.

**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 Section 94-39(j) of the ZLDRs, Resolution No. 57-21 was advertised in the Palm Beach Post on March 26, 2021.

Commission District 5: Commissioner Christina Lambert.

**14. Public Hearing of Resolution No. 63-21 approving a Minor Subdivision to the plat entitled "Warehouse District Flats" located east and west of Clare Avenue, just south of Blanche Street and east of Elizabeth Avenue.**

**RESOLUTION NO. 63-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MINOR SUBDIVISION (REPLAT) OF REAL PROPERTY TO CREATE THE PLAT ENTITLED "WAREHOUSE DISTRICT FLATS", CONTAINING A TOTAL OF APPROXIMATELY 3.148 ACRES LOCATED EAST AND WEST OF CLARE AVENUE, JUST SOUTH OF BLANCHE STREET AND EAST OF ELIZABETH AVENUE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. Agenda Cover Memorandum No.: 23290**

**Staff Recommended Motion:**

Approve Resolution No. 63-21 creating the plat entitled "Warehouse District Flats". This motion is based upon the plat submitted, the staff report, factual testimony, and the findings that the plat is consistent with the Comprehensive Plan, complies with the requirements set forth in Sections 94-44 and 94-342 of the Zoning and Land Development Regulations and complies with all applicable provisions of Chapter 177, Florida Statutes.

**Background:**

The subject property, located east and west of Clare Avenue, just south of Blanche Street and east of Elizabeth Avenue, consisting of approximately 3.148 acres is located within the Clare Avenue Commercial Planned Development (CPD). On April 8, 2019, the City Commission approved Resolution No. 86-19 approving the development regulations for the Warehouse District CPD and providing for redevelopment of the subject property with a 178-unit apartment complex with 3,706 sq. ft. of commercial space. As part of the conditions of approval for the CPD, the applicant was required to replat the property. The applicant is now requesting that the property be platted to satisfy such requirement.

It is Staff's professional opinion that the proposed plat complies with the standards required by the City's Comprehensive Plan and the Subdivision General Design Standards required by Section 94-342 of the City's Zoning and Land Development Regulations.

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

PUBLIC NOTICE: Individual notices were mailed to all property owners within 500 feet of the property, and signs were posted on the subject property. Resolution No. 86-19 was also advertised in the Palm Beach Post on March 26, 2021.

Commission District 5: Commissioner Christina Lambert.

**Fiscal Note:**

No fiscal impact.

**APPEALS (15):**

- 15. Appeal of the Historic Preservation Board's decision in Case # 21-1, denying the request for asphalt shingles in place of barrel tile on an accessory historic structure located at 714 Claremore Drive.**

*Agenda Cover Memorandum No.: 23291*

**Staff Recommended Motion:**

Deny the request for a Certificate of Appropriateness for the request of an asphalt shingle roof.

The City Commission may deny the certificate of appropriateness, approve the certificate, or approve the certificate with conditions.

**MOTION FOR DENIAL:** Deny the Certificate of Appropriateness for re-roofing of the accessory structure at 714 Claremore Drive based on the factual testimony presented, the application submitted and the staff report, along with the findings that, pursuant to Section 94-49(c) of the Code of Ordinances, the following conditions for the basis of denial exist: [State the specific conditions].

**MOTION FOR APPROVAL WITHOUT CONDITIONS:** Approve the Certificate of Appropriateness for re-roofing of the accessory structure at 714 Claremore Drive based on the factual testimony presented, the application submitted and the staff report, along with the findings that: [the feature matches the old in design, color, texture, and other visual qualities and where possible materials].

**Background:**

The Flamingo Park Historic District was designated on the National Register of Historic Places in 1995 and the Local Register of Historic Places in 1993. This two-story primary Mediterranean Revival residence and two-story accessory structure were both built in 1925 and contribute to the historic district. It is known as Clifton and Myrtle Rice House. Architectural features include a large decorative picture window and a mix of flat roofs, barrel tile hipped roofs, and gable roofs surfaced with barrel tile. The current owners (the applicants) have been amazing stewards of the property since 1989.

The applicant is requesting approval for the following:

1. Replace barrel tile roof on the accessory structure with asphalt shingles in terra cotta color.

**HISTORIC PRESERVATION BOARD.** This request came to be heard by the Historic Preservation Board on February 23, 2021. Planning Staff presented the application for a Certificate of Appropriateness for roof replacement with the recommendation of DENIAL based on not meeting compatibility standards. The Historic Preservation Board voted (7-0) to DENY the application.

APPEAL. The Applicants' appeal of the Historic Preservation Board's decision was timely received on March 8, 2021. Pursuant to Sec. 94-50 of the Code of Ordinance, Historic Preservation Board decisions are appealed to the City Commission. The appeal hearing must be held within sixty (60) days of the appeal request. The City Commission's review is de novo and the decision shall be based on the testimony and evidence presented to the Commission at this hearing. A decision of the City Commission may be appealed to a court of competent jurisdiction within thirty (30) days.

RELEVANT CODE PROVISIONS:

94-49(c)(3): Secretary of the Interior's standards for rehabilitation. In reviewing an application, the Secretary of the Interior's standards for rehabilitation (as may be amended from time to time) shall be applied. The current version is as follows:

- f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

94-49(c)(4): Additional criteria. The above standards for rehabilitation in subsection (c)(3) of this section shall be supplemented by the following criteria specific to certain types of requests:

7. Relationship of materials and textures. The materials and textures of a building should be chosen with the predominant materials of the historic district in mind. Simplicity in such use is preferable.
8. Roof shapes. The roof shape of a building is a major distinguishing feature. The roof shape of a new building should be compatible with those of the buildings in the historic district.

94-49(c)(4)(b)(4): Salvage and preservation of specific features. The City Commission upon recommendation by the board may require the property owner, at city expense, to salvage and preserve specified classes of building materials, architectural details, ornaments, fixtures and the like.

94-49(c)(5): Decisions regarding applications for certificates of appropriateness shall be based on the application, the application's compliance with the historic preservation provisions of this chapter, and the evidence and testimony presented in connection with the application. In reviewing an application, the division and the board shall be aware of the importance of finding a way to meet the current needs of the property owner. The division and the board shall also recognize the importance of recommending approval of plans that will be reasonable for the property owner to carry out. Any conditions or requirements imposed shall be reasonably related to the certificate of appropriateness sought by the applicant.

Commission District 5: Commissioner Christina Lambert.

**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.**