



WEST PALM BEACH

**City of West Palm Beach
City Commission**

PASS/FAIL AGENDA

**June 1, 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:

PROCLAMATION (1):

1. **Proclaiming June 2021 as LGBTQ Pride Month. Proclamation to be accepted by Julie Seaver, Executive Director of Compass GLCC. PRESENTED**
Agenda Cover Memorandum No.: 23341

PRESENTATION (2):

2. **Presentation by the DDA to present a check in the amount of \$800 to Esperanza Day Alleyway Activation. PRESENTED**

RECEIVED / FILED (3):

3. **Submittal of the following four (4) reports from the Internal Auditor's Office: RECEIVED AND FILED**
 1. **Public Utilities Billing and Customer Service Audit Report;**
 2. **Community Redevelopment Agency Audit Report Part 2;**
 3. **Water Treatment Plant Post Audit Report; and**
 4. **Parking Enforcement and Ticket Collections Post Audit Report.***Agenda Cover Memorandum No.: 23342*

Staff Recommended Motion:

Receive, approve, and file.

Background:

Pursuant to City of West Palm Beach Code of Ordinances, Chapter 2, Article IV, Section 2-397(d)(1)(b), the Audit Committee reviewed and approved the internal audit reports on May 6, 2021. Copies of the reports have been provided to the Mayor and the City Commissioners pursuant to Section 2-397(d)(1)(c). The West Palm Beach Community Redevelopment Agency Audit Report Part 2 is also provided to the CRA Board and the CRA Advisory Board.

Fiscal Note:

No fiscal impact.

CONSENT CALENDAR (4-10): ALL CONSENT ITEMS (4-10) APPROVED

4. **Minutes of the Regular City Commission Meeting of May 17, 2021.**
Agenda Cover Memorandum No.: 23343

Staff Recommended Motion:

Approve the Minutes of the Regular City Commission Meeting of May 17, 2021.

5. **Resolution No. 105-21 accepting a grant of \$20,000 from the Florida Department of Agriculture and Consumer Services for a 2020 Urban and Community Forestry Grant Program to assist in inventorying trees in the City of West Palm Beach's rights-of-way; and**

Resolution No. 117-21(F) appropriating the grant funds and City's matching funds.

RESOLUTION NO. 105-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A GRANT FROM THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES 2020 URBAN AND COMMUNITY FORESTRY GRANT PROGRAM IN THE AMOUNT OF \$20,000 TO ASSIST IN THE INVENTORYING OF TREES IN THE CITY OF WEST PALM BEACH'S RIGHTS-OF-WAY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 117-21(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 WATER AND SEWAGE SYSTEM REVENUE FUND BUDGET TO PROVIDE FOR THE RECEIPT OF A GRANT FROM THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES' 2020 URBAN AND COMMUNITY FORESTRY GRANT PROGRAM AND TO PROVIDE APPROPRIATIONS FOR A PORTION OF THE CITY'S TREE INVENTORY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23344

Staff Recommended Motion:

Approve Resolution No. 105-21 and Resolution No. 117-21(F).

Background:

By Resolution No. 215-20, the City Commission approved submittal of an application to the Florida Department of Agriculture and Consumer Services' 2020 Urban and Community Forestry Grant Program for funding of a portion of an inventory of trees in the City of West Palm Beach's Right-of-Way. A healthy urban forest provides ecosystem services for residents and visitors, including cleaner air and water, energy conservation, and carbon mitigation. The inventory will specifically evaluate trees that need pruning and other treatments to improve their health. It will identify tree botanical name and tree location, as well as related hazards that can be proactively mitigated before they require an emergency response, cause damage to structures and facilities, and add to the storm debris volume. Existing City resources will be better able to handle storm response as a result. The inventory will justify additional local investments to mitigate these hazards in both the long and short term. Safer public greenspace areas will result from this inventory, as well as identification of areas which could be planted with trees in the future. Summarizing and publicizing inventory results, including ecosystem services values, can significantly contribute to citizen awareness and support for city urban forestry programs.

This project reinforces the goals of the City's Sustainability Office, which emphasizes energy conservation, carbon neutral activities, and overall health and wellbeing for residents. It also enhances the effectiveness of the City's overall storm preparation and response, as well as the quality of life for City residents and visitors.

The Florida Department of Agriculture and Consumer Services' 2020 Urban and Community Forestry Grant Program awarded the \$20,000 grant to the City for the project. The match requirements for this grant is: 1:1 match at \$20,000. Match requirements can be met utilizing the Office of Sustainability's 2021 budget.

Resolution No. 105-21 accepts the award of the grant funds. Resolution 117-21(F) provides for receipt of the grant and appropriation for the Tree Inventory.

Fiscal Note:

The required match will be met by moving \$20,000 from the Water and Sewerage System Operating Fund 450 Sustainability division budget for other contractual services to other contractual services associated with the Tree Inventory Grant Project 92474918.

6. **Resolution No. 112-21 to amend Resolution No. 154-20 in order to extend the deadlines for completing the rehabilitation of property and approving a conditional release of liens on property located at 3815 Eastview Avenue.**

RESOLUTION NO. 112-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING RESOLUTION NO. 154-20; AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A RELEASE OF CODE ENFORCEMENT LIENS ENCUMBERING CERTAIN REAL PROPERTY LOCATED AT 3815 EASTVIEW AVENUE, WEST PALM BEACH, FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23345

Staff Recommended Motion:

Approve Resolution No. 112-21.

Background:

The City Commission previously approved Resolution No. 154-20 to provide a conditional waiver of code enforcement liens on property located at 3815 Eastview Avenue. Resolution No. 154-20 required payment of a reduced administrative fine, payment of all assessments and resolution liens, and completion of the property rehabilitation by May 31, 2021. The property owner has requested an extension of time to complete the property rehabilitation and obtain a release of the City's liens. Resolution No. 112-21 would amend the previous resolution to allow the property owner until December 31, 2021 to complete the property rehabilitation.

Fiscal Note:

No fiscal impact.

7. **Resolution No. 114-21(F) amending the Fiscal Year 2020/21 Miscellaneous Trust Fund Budget to authorize appropriations of \$10,000 from State Law Enforcement Forfeiture Receipts for donations.**

RESOLUTION NO. 114-21(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 MISCELLANEOUS TRUST FUND BUDGET TO PROVIDE APPROPRIATIONS FROM THE STATE LAW ENFORCEMENT FORFEITURE RECEIPTS FOR DONATIONS PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23346

Staff Recommended Motion:

Approve Resolution No. 114-21(F).

Background:

Pursuant to the Florida Contraband Forfeiture Act, any local law enforcement agency that acquires at least \$15,000 within a fiscal year must expend or donate no less than 25 percent (25%) of such proceeds. These funds may be expended upon request by the Chief of Police to the City Commission, and upon appropriation to the police departments' miscellaneous trust fund. Such funds may be used only for school resource officer, crime prevention, safe neighborhood, drug abuse education, or drug prevention programs, or such other law enforcement purposes as the governing body of the municipality deems appropriate.

The State Law Enforcement Trust Fund expenditure of \$10,000, which the Chief of Police certifies is in compliance with section 932.7055(5)(c)3, Florida Statutes.

Donations:

- 1) 211 HELP LINE, Palm Beach and Treasure Coast (\$5,000): A 501(c)(3) not for profit organization, to assist with the ongoing funding of the 24-hour crisis hotline and community help line. 211 is a critical resource for West Palm Beach, handling calls, most of which are referred to community resources. These calls would otherwise be handled by police and fire dispatchers and would often result in the dispatch of additional resources. In 2020 alone, 211 provided guidance, support and crisis intervention to 19,713 residents. Of those calls, 6,473 were struggling with mental health and addiction issues of which 293 were suicidal. Over 7% of all requests for help from West Palm Beach were related. A significant number of the calls received resulted in emergency intervention or follow-up, which allows emergency services to remain available to concentrate on urgent police and medical emergencies. 211 helps to keep the community safe by helping people through crises and connecting them to resources that will address their immediate needs.
- 2) YWCA (\$5,000): A 501(c)(3) not for profit corporation, to assist with the ongoing provision of educational and recreational activities to at risk youths in the community. The opportunities provided to the youth include positive contacts with police and other prominent members of the community and help to encourage the individuals to set and achieve productive life goals. The staff strives to provide a healthy, safe environment for children to learn important life skills and to establish and maintain positive community relationships. The YWCA seeks to utilize the donation to assist in the operations of the following:
 - Students Against Violence (Y-SAV). Y-SAV is a ten (10) week program involving dating and domestic violence prevention and promotion of violence free relationships. In 2020 Y-SAV expanded the program to include "Coaching Boys into Men and Athletes as Leaders."

Asset forfeiture is a powerful tool that provides valuable resources to state and local law enforcement that may not have otherwise been available. In addition to the state statute, staff also looks at the permissible uses of similarly obtained federal funds in order to provide guidance for the Chief and Commission on such decisions. Equitably shared funds must be used in accordance with the statutes and guidelines that govern the federal equitable sharing program as set forth in the current edition of the Department of Justice's Guide to Equitable Sharing (Justice Guide).

The State Forfeiture funds requested complies with the permissible use reporting categories identified as: (1) law enforcement training and education; and (2) law enforcement equipment, which includes the rental or leasing of undercover vehicles in furtherance of investigations, and training and travel expenses for law enforcement and support staff.

Fiscal Note:

Approval recognizes state forfeiture revenue proceeds and provides appropriations for donations.

8. **Resolution No. 120-21 approving a Memorandum of Understanding between the City of West Palm Beach and CareerSource Palm Beach County, Inc. relating to programs and services to be offered at the Mandel Public Library.**

RESOLUTION NO. 120-21: A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF WEST PALM BEACH AND CAREERSOURCE PALM BEACH COUNTY, INC. TO PROVIDE ON-SITE CAREER SERVICES AT THE MANDEL PUBLIC LIBRARY OF WEST PALM BEACH TO THOSE SEEKING EMPLOYMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23347

Staff Recommended Motion:

Approve Resolution No. 120-21.

Background:

CareerSource Palm Beach County is chartered by the State of Florida and has a dedicated team of career counselors, business coaches, and training providers to help job seekers find new jobs through career assessments, training, and employment assistance. The Mandel Public Library and CareerSource have a long-standing relationship of partnering to provide access and readiness training for our community's job seekers.

In past times of high unemployment, the Library and CareerSource established mutual training and referrals for clients seeking to enhance employability skills, create resumes, obtain career guidance, and secure employment. Today, once again, we find our community in need of intensive job services in a location that is readily accessible and viewed as a trusted community anchor.

CareerSource will provide an on-site Career Staff Member at the Library one (1) day per week. The Library will provide a working space to CareerSource in order to expand the nature of services being provided at the location for those seeking employment. Under this Memorandum of Understanding, both parties will benefit from the other's expertise and will provide clients in the target population with improved access to needed services free of charge to all who wish to receive them.

Fiscal Note:

No fiscal impact. Program is at no cost to the City.

9. **Resolution No. 122-21 approves a project funding interlocal agreement between the City and the CRA for the printing of a digital image entitled "Skateboard Girls Rule" by local artist Brian Wood on three (3) City-owned trash compactors for an amount not-to-exceed \$6,600.**

RESOLUTION NO. 122-21: 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 THE PRINTING OF THE DIGITAL IMAGE ENTITLED SKATEBOARD GIRLS RULE BY LOCAL ARTIST BRIAN WOOD ON THREE CITY-OWNED TRASH COMPACTORS FOR AN AMOUNT NOT-TO-EXCEED \$6,600; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23348

Staff Recommended Motion:

Approve Resolution No. 122-21.

Background:

Resolution No. 74-21, adopted on May 3, 2021, granted Face of the City approval for the temporary public artwork entitled "Energy" by local artist Brian Wood for installation on the back wall of the CRA-owned building located at 314 Clematis Street. The approved artwork included a digital print entitled "Skateboard Girls Rule" to be printed on three (3) City-owned trash compactors located in the alleyway, near the CRA-owned building.

Subject to funding by the CRA, the City will obtain the appropriate approvals and procure the printing services of the digital image on the compactors. The City and CRA will execute a project funding interlocal agreement to establish the authority for the City to access and encumber CRA funds for the project.

Resolution No. 122-21 approves the project funding interlocal agreement between the City and the CRA for an amount not-to-exceed \$6,600.

There is a companion item on the CRA's Agenda as Resolution No. 21-28.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

No ArtLife WPB Capital Project fund impact. To be funded through the CRA's public arts support/CRA Department Downtown Core target area.

10. **Resolution No. 115-21 granting a Private Underground Drainage Easement Agreement to Amato Millan Development, LLC, developers of the Mercer Park Apartments, for installation and maintenance of a private drainage line.**

RESOLUTION NO. 115-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN UNDERGROUND PRIVATE DRAINAGE EASEMENT TO AMATO MILLAN DEVELOPMENT, LLC FOR THE MERCER PARK APARTMENTS AT 1301 ALPHA STREET; AUTHORIZING EXECUTION OF THE EASEMENT AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23351

Staff Recommended Motion:

Approve Resolution No. 115-21.

Background:

Mercer Park Apartments are currently under construction at the Northwest corner of Alpha Street and Mercer Avenue. During the plan review process, it was determined their private drainage line would cross over a City maintained alley. To ensure no future costs to the City for any maintenance or relocation, the City required execution of a ten (10) foot Private Underground Drainage Easement.

Resolution No. 115-21 grants the easement and authorizes execution and recording of the easement.

Fiscal Note:

No fiscal impact.

RESOLUTIONS (11-12):

11. **Resolution No. 123-21(F) **APPROVED** accepting the sponsorship amount of \$5,000 from Hierromat Development, LLC to maintain the Rainbow crosswalk in Northwood Village.**

RESOLUTION NO. 123-21(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 ARTLIFE WPB CAPITAL PROJECT FUND BUDGET AUTHORIZING THE ACCEPTANCE OF SPONSORSHIP FUNDS BETWEEN HIERROMAT DEVELOPMENT, LLC AND THE CITY OF WEST PALM BEACH TO PROVIDE APPROPRIATIONS FOR A CONTRIBUTION OF \$5,000 TO THE CITY FOR THE MAINTENANCE OF THE RAINBOW CROSSWALK IN NORTHWOOD VILLAGE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23349

Staff Recommended Motion:

Approve Resolution No. 123-21(F).

Background:

The LGBTQ 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 LGBTQ 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. Resolution No. 294-20, adopted on November 16, 2020, approved the sponsorship agreement between Hierromat Development, LLC and the City of West Palm Beach for a total contribution of \$5,000 as contribution towards the City's maintenance of the Rainbow Crosswalk in Northwood Village.

Resolution No. 123-21(F) approves and appropriates the sponsorship funding.

Commission District 1: Commissioner Kelly Shoaf.

Fiscal Note:

Approval will recognize \$5,000 sponsorship from Hierromat Development and provide funds for the maintenance of the Rainbow Crosswalk project

12. Resolution No. 121-21 **APPROVED approving the Master Plan for Currie Park.**

RESOLUTION NO. 121-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FL APPROVING THE MASTER PLAN FOR THE PROPERTY KNOWN AS “CURRIE PARK” CONSISTING OF 13.6 ACRES LOCATED AT 2400 NORTH FLAGLER DRIVE, PREPARED BY CHEN MOORE AND ASSOCIATES, INC.; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23352

Staff Recommended Motion:

Approve Resolution No. 121-21.

Background:

The CRA issued Request for Proposals (RFP) No. 18-19-201 for Professional Architectural & Engineering Design Services for Currie Park. The CRA Board heard presentations from interested firms and selected Chen Moore and Associates (CMA) with which to negotiate a master Professional Services Agreement.

Resolution No. 20-57 approved the master Professional Services Agreement for Architectural & Engineering Design Services, which established the overall scope of services for the design of Currie Park, general hourly rates, insurance requirements, and other general terms and conditions.

Chen Moore's professional services were organized into two (2) phases:

(1) Phase I: Information Gathering, Public Engagement, Visioning and Planning

(2) Phase II: Design, Permitting, and Construction Administration

Phase I commenced on November 2, 2020 and included the following tasks:

- Project coordination meetings.
- Thorough site investigation.
- Coordination with local permitting agencies to develop a permitting path.
- A robust public engagement program.
- Visioning.
- The development of a master plan.
- Cost estimating.
- A development phasing plan.
- Activation, operations, and governance plan.
- Revenue strategy and strategic funding plan within existing budget limitations.

CMA presented the preliminary master plan to the Parks and Recreation Advisory Committee (PRAC) on April 13, 2021 and the CRA Advisory Board (CRAAB) on April 30, 2021 for discussion and feedback. The final master plan, including 100% schematic design construction documents with associated cost estimates, was brought in front of PRAC on May 11, 2021 and CRAAB on May 28, 2021 for recommendation of approval.

The Master Plan (Phase I) enhancements include: an Entry Plaza, child Play Area, Waterfront activity area, Downtown Overlook, Picnic/Cafe area, and a Tidal Amphitheater. The Master Plan also proposes a Marina as Phase II of the Currie Park enhancements.

Resolution No. 121-21 approves the Master Plan for Currie Park as presented by CMA.

Upon approval of the Master Plan, the detailed scope of Phase II services and associated costs for Chen Moore will be brought forward in July 2021 to the CRA Board for approval as an amendment to CMA's master contract. This includes design, permitting, and construction administration.

There will be a companion item on the CRA Board Agenda as Resolution No. 21-24.

Commission District 1: Commissioner Kelly Shoaf.

Fiscal Note:

The designer's opinion of probable construction costs for Phase I of the Currie Park Enhancements is \$33,170,700.

PUBLIC HEARING – QUASI JUDICIAL (13):

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

13. **Public Hearing of Resolution No. 108-21: APPROVED A request by Joni Brinkman, of Urban Design Studio, on behalf of 3111 Prospect Place Equities LLC for a Major Amendment to the 3111 South Dixie Commercial Planned Development, located at 3111 South Dixie Highway, to change the name of the Planned Development to Casa Mara, modify a condition in the Development Order that currently limits the square footage of restaurants, and increase the amount of the parking waiver previously granted.**

RESOLUTION NO. 108-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE 3111 SOUTH DIXIE COMMERCIAL PLANNED DEVELOPMENT, LOCATED AT 3111 SOUTH DIXIE HIGHWAY, TO CHANGE THE NAME OF THE COMMERCIAL PLANNED DEVELOPMENT TO CASA MARA, MODIFY THE CONDITION LIMITING THE SQUARE FOOTAGE OF RESTAURANT USE, AND INCREASE THE PARKING WAIVER; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23353

Staff Recommended Motion:

Approve Resolution No. 108-21 regarding a Major Amendment to the 3111 South Dixie Commercial Planned Development, located at 3111 South Dixie Highway, to change the name of the Planned Development to Casa Mara, modify a condition in the Development Order that currently limits the square footage of restaurants, and increase the amount of the parking waiver previously granted. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board, the findings that the request complies with the Comprehensive Plan, and the standards in Section 94-32 of the City's Zoning and Land Development Regulations.

Background:

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

Located on the west side of South Dixie Highway, approximately ¼ mile south of Belvedere Road, and ½ mile north of Southern Boulevard, the subject property consists of a single parcel totaling ±9.32 acres. To bring a renewed sense of energy to the site and transform the property into a modern multiple-use center that offers retail, restaurant, office, and residential uses, the owner of the property was approved in September 2018 (Resolution No. 227-18) to redevelop the entire site with 300 multi-family dwelling units and ±16,000 square feet of commercial uses; the new mixed- and multiple-use development is nearing completion.

With the establishment of the Commercial Planned Development ("CPD"), a specific list of permitted uses was adopted to ensure long-term protection of the development, and most importantly, the surrounding area, from undesirable uses that may otherwise be permitted. Included was a size restriction on the amount of restaurant space to limit the development to 4,500 square feet in cumulative gross square feet as the number of required parking spaces (according to the City's ZLDRs) is substantially higher for a restaurant than that of a retail or office use.

Since the project was approved, and as the developer has begun to lease the non-residential square footage within the project, the demand for restaurant square footage has increased. As such, the developer has requested a modification to the condition within the Development Order to remove the size limitation and instead allow the developer to "shuffle" the mix of non-residential uses. The Applicant is also requesting an amendment to the previously granted parking waiver.

Staff has worked diligently with the Applicant to determine the project's realistic demand to ensure that it would continue to provide sufficient parking on-site and not cause unnecessary impact on the surrounding area. A parking evaluation of the residential and non-residential uses, as well as a traffic study, were prepared by Kimley-Horn and Associates, Inc. A study of actual demand generated by the units that have been leased to date was also utilized.

Additionally, to address the concern that an increase in the restaurant square footage, and thereby an increase in the parking waiver, would place too much demand on the limited amount of parking located on-site and outside of the security gates. Staff has worked with the Applicant to require that 71 of the 123 on-site spaces would be set aside during the hours of 11:00 AM - 7:00 PM for the non-residential uses, and that residents within the development could only park in them, if necessary, outside of that restricted window.

CONCLUSION: After review of the evaluations provided, it is Staff's professional opinion that subject to the conditions of approval contained in Resolution No. 108-21, the revision to the condition and the increase in the parking waiver will not result in a substantial impact and that the revised development proposal can be fully accommodated, and satisfies all of the standards found within the City's ZLDRs. Therefore, Staff is recommending approval of the request, subject to the conditions contained in Resolution No. 108-21.

PLANNING BOARD: After a Public Hearing on April 20, 2021, the Planning Board recommended approval (6-0) of the request, subject to the conditions contained in Resolution No. 108-21.

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. 108-21 was also advertised in the Palm Beach Post on May 22, 2021.

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.