



WEST PALM BEACH

**City of West Palm Beach
City Commission**

PASS/FAIL AGENDA

**June 28, 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:

PRESENTATION (1):

1. **Legislative update by Representative David Silvers. PRESENTED**

APPOINTMENTS (2-5):

2. **City Commission approval is requested for the Mayor's appointment of Yolanda S. Wilson to the West Palm Beach Housing Authority for a term of four (4) years to expire June 8, 2025. It is required that the City Commission confirms Ms. Wilson's appointment. APPROVED**
Agenda Cover Memorandum No.: 23374
3. **Commission approval is requested for the Mayor's reappointment of William P. Jacobson to the Downtown Development Authority for a term of three (3) years to expire July 1, 2024. It is required that the City Commission confirms Mr. Jacobson's reappointment. APPROVED**
Agenda Cover Memorandum No.: 23375
4. **City Commission approval is requested for the Mayor's reappointments of five (5) committee members to the Watersheds Advisory Committee: Antonio Duboy, Carla Bryant, Daisy Perry, Eric Sain and Robert Norberg for a term of two (2) years to expire June 2, 2023. Mr. Duboy, Ms. Bryant, Ms. Perry, Mr. Sain, and Mr. Norberg have served over the maximum allowed number of terms (3) and it is required that the City Commission confirms their reappointments. APPROVED**
Agenda Cover Memorandum No.: 23376

5. **City Commission approval is requested for the Mayor's reappointments of Michael Odum and Perry Douglass to the Parks and Recreation Advisory Committee for a term of two (2) years to expire April 21, 2023 and April 10, 2023, respectively. Mr. Odum and Mr. Perry have served over the maximum allowed number of terms (3) and it is required that the City Commission confirms their reappointments.**

APPROVED

Agenda Cover Memorandum No.: 23377

UPDATE ON CITY'S WATER RULE VIOLATION:

CONSENT CALENDAR (6-9): ALL CONSENT ITEMS (6-9) APPROVED

6. **Minutes of the Regular City Commission Meeting of June 1, 2021.**

Agenda Cover Memorandum No.: 23378

Staff Recommended Motion:

Approve the Minutes of the Regular City Commission Meeting of June 1, 2021.

7. **Resolution No. 124-21 to establish the City of West Palm Beach as a Keep America Beautiful Affiliate.**

RESOLUTION NO. 124-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING SUBMITTAL BY THE CITY OF WEST PALM BEACH OF AN APPLICATION TO BECOME A KEEP AMERICA BEAUTIFUL AFFILIATE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23379

Staff Recommended Motion:

Approve Resolution No. 124-21.

Background:

As part of Mayor Keith James' commitment to Neighborhoods First, an Operation Clean Streets initiative was launched through the Neighborhoods First Coordinator and Public Works Director. The Operation Clean Streets Task Force was developed to enhance that effort and to bring additional accountability and structure to the initiative.

The Operation Clean Streets Task force is a working group comprised of members of Public Works, HCD, Economic Development, City Administration, Development Services, the Mayor's Office, Police Department, Code Enforcement, Parks and Recreation Department, Office of Sustainability, Keep Palm Beach Beautiful, Friends of Palm Beach, City Residents, DDA, and CRA. The committee's focus is to identify areas of improvement and implement specific steps to be taken in order to reduce illegal dumping and litter in the City of West Palm Beach. Various sub-committees have been established to target specific goals / objectives and additional community / City staff members may be recruited, as needed.

Charter Team Mission:

Develop a vision and strategy to implement best practices and improvement ideas in order to reduce illegal dumping, abandoned vehicles, and litter in our community.

The Clean Streets Task Force / Litter Sub-Committee identified becoming a Keep America Beautiful (KAB) Affiliate as a goal to partner with an experienced organization that can provide best practices, training, resources, and grants to further the mission of the Clean Street Task Force. Additionally, the goal is to become a hybrid affiliate, partnering with the local non-profits, beginning with Friends of Palm Beach (FPB), to provide more community involvement and allow eligibility for an extended range of grants / funding. Priority objectives, with the establishment of a WPB KAB affiliation, will be to receive training on resources, conduct a Litter Index of the City, and expand the educational outreach to our community.

As part of the KAB Affiliate Certification process, there is a one (1) time fee dependent on the population of the area the Affiliate will serve. For the City of West Palm Beach, the one-time certification fee is \$4,500. Keep Florida Beautiful (KFB) will pay the KAB certification fee of \$4,500 directly to KAB on behalf of Keep West Palm Beach Beautiful. KFB is able to offer this coverage as Affiliate Support through a grant with the Florida Department of Transportation. There is a \$345 annual membership fee that would be included as an operational cost paid by the Public Works Department.

About Keep America Beautiful:

KAB, the nation's leading community improvement nonprofit organization, inspires and educates people to take action every day to improve and beautify their community environment. Established in 1953, KAB strives to end littering, improve recycling, and beautify America's communities. We believe everyone has a right to live in a clean, green, and beautiful community; and shares a responsibility to contribute to that vision.

Behavior Change--Steeped in education, research, and behavioral science is the cornerstone of KAB. We empower generations of community and environmental stewards with volunteer programs, hands-on experiences, educational curricula, practical advice, and other resources. The organization is driven by more than 600 state and local affiliates, millions of volunteers; and the support of corporate partners, social and civic service organizations, academia, municipalities, and government officials.

About Friends of Palm Beach:

Our Story--Changing Lives and Beaches One Bucketful at a Time. Friends of Palm Beach is a 501(c)3 organization. Beginning in May 2013, and with the help of Keep PBC Beautiful and Solid Waste Authority, Friends of Palm Beach was established to perform monthly beach clean ups along the island of Palm Beach and Lake Worth Lagoon in West Palm Beach, including inland parks. Our beaches, parks, and waterways are littered with

trash. This causes a serious threat to the health of our ecosystem, to the amazing creatures that reside in our paradise, and to ourselves. Since 2015, after realizing the extent of this trash issue, FPB hires a weekday crew to collect beach trash each week throughout the year. To date, FPB has removed over 192,000 pounds of trash and plastics from our environment and hosted over 162 volunteer clean up events. FPB also lectures and educates the community on the effects of this trash on our eco-system and marine life and presents solutions to decrease this unhealthy impact with everyday choices.

Approval is requested to establish a Keep West Palm Beach Beautiful Affiliate.

Fiscal Note:

\$345 annual membership to be included in the 2022 budget.

8. **Resolution No. 133-21 authorizing the assessment of city liens in the total amount of \$18,637.15 for unpaid water service, sewer service, and stormwater service charges for the month of March 2021.**

RESOLUTION NO. 133-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING AN ASSESSMENT OF CITY LIENS FOR UNPAID WATER SERVICE, SEWER SERVICE, AND STORMWATER SERVICE FOR THE MONTH OF MARCH 2021; 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.: 23381

Staff Recommended Motion:

Approve Resolution No. 133-21.

Background:

In accordance with the Code of Ordinances of the City of West Palm Beach, Florida, 2003, Sections 90-4 and 90-5, the City imposes liens on private real property for delinquent payments due for utility services. The liens to be assessed by Resolution No. 133-21 are for unpaid water service, sewer service, and stormwater service charges for the month of March 2021. The list of properties to be assessed and the associated charges totaling \$18,637.15 are in Resolution No. 133-21 as EXHIBIT A - Utility Lien List - March 2021.

Fiscal Note:

No fiscal impact.

9. **Resolution No. 141-21(F) provides appropriations in the amount of \$650,000 from the Fire Assessment Fee Fund 131 for the purchase of uniforms, bunker gear, minor equipment, and two (2) operational vehicles for the Fire Department.**

RESOLUTION NO. 141-21(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 FIRE ASSESSMENT FEE FUND AND THE CAPITAL ACQUISITION FUND BUDGETS TO PROVIDE APPROPRIATIONS FOR THE PURCHASE OF UNIFORMS, BUNKER GEAR, MINOR EQUIPMENT FOR ADDITIONAL NEW FIREFIGHTERS AND FOR TWO OPERATIONAL VEHICLES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23382

Staff Recommended Motion:

Approve Resolution No. 141-21(F).

Background:

The Fire Department is in need of \$120,000 for Uniforms and Bunker Gear for firefighters that will be hired in September 2021 (due to attrition). This funding is in addition to the \$358,000 needed for the uniforms and Bunker Gear for SAFER Grant + Engine 1 firefighters that were hired in April. A total of \$478,000 is needed for Uniforms and Bunker Gear.

The following minor equipment is needed: 3 x ventilation saws @ \$2,500 each = \$7,500; hand tools and equipment = \$22,000. A total of \$29,000 is needed for minor equipment.

The Skilled trades worker's pickup truck is a 2004 model year and is in disrepair. The cost of replacement is \$63,000 and will be extensively used to haul appliances, building repair materials, and travel to and from our Fire stations and City facilities. A replacement vehicle for the Battalion Chief costing \$80,000 is also needed. A total of \$143,000 is needed for the two (2) vehicle replacements.

The total funding for the vehicles will be transferred from the Fire Assessment Fee Fund (131) to the Capital Acquisition fund (304) to properly account for capital assets per Government Accounting Standards.

The Fire Service Special Assessment Ordinance, Ordinance No. 4141-08, provides that the fire assessment funds may be utilized for equipment and machinery, uniforms, purchases, and any cost of providing fire services.

Fire Assessment Fee Fund 131 has available unallocated reserve funding, which will be

used for the total of \$650,000.

Fiscal Note:

Approval of this Resolution will provide budget appropriations from the Fire Assessment Fee Fund for the purchase of uniforms, bunker gear, minor equipment, and two (2) operational vehicles.

PUBLIC HEARINGS (10-11):

10. **Public Hearing and Second Reading of Ordinance No. 4953-21 APPROVED amending the Code of Ordinances at Chapter 62 (Personnel and Retirement), Article II (Personnel Policies), Division 2 (Compensation and Leave Policies) to amend various sections regarding employee leave policies to provide consistent policies among the various employee groups.**

ORDINANCE NO. 4953-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, AT CHAPTER 62 (PERSONNEL AND RETIREMENT), ARTICLE II (PERSONNEL POLICIES), DIVISION 2 (COMPENSATION AND LEAVE POLICIES), SECTIONS 62-57, 62-58, 62-59, 62-62, AND 62-63 REGARDING EMPLOYEE LEAVE POLICIES, TO PROVIDE CONSISTENT POLICIES AMONG THE VARIOUS EMPLOYEE GROUPS; PROVIDING A SEVERABILITY AND CODIFICATION CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23380

Staff Recommended Motion:

Approve Ordinance No. 4953-21 on Second Reading on June 28, 2021.

Background:

Historically, the City Commission has expressed the desire to generally strive for equity in policies among the various represented and non-represented employee groups. From time to time, the City Commission has adopted amendments to the City's regulations regarding personnel policies to provide for consistent policies for City employees.

The City Commission is considering amendments to policies for certain represented employees. The City desires to amend certain sections of the City Code of Ordinances at Chapter 62 (Personnel and Retirement), Division 2 (Compensation and Leave Policies) to provide consistent policies for City employees.

Ordinance No. 4953-21 provides for the following changes:

- 1) Section 62-57 - Holidays: Deleting obsolete process regarding how holiday pay is processed.
 - 2) Section 62-58 - Vacation or Annual Leave: Updating the carry over limit before “Use it or Lose It” provision applies from 2 years to 3 years’ worth of carry-over for consistency and to match the similar changes granted in the new collective bargaining agreements.
 - 3) Section 62-62 - Military Leave: Removing obsolete language regarding “supplemental pay”, which sunset on September 1, 2016 and is no longer applicable.
 - 4) Section 62-63 - Other Leaves: Updating the Bereavement leave “immediate family” definitions to match current language updated in various collective bargaining agreements and clarifying the amount of bereavement leave granted (i.e. 40 hours vs. the prior language of “5 Days”).
11. **Public Hearing and First Reading of Ordinance No. 4956-21 **APPROVED** amending Article IV Sections 94-109, 94-132, and 94-133 of the Zoning and Land Development Regulations to allow boutique and regular hotels in the Quadrille Business District to be eligible for a transfer development rights incentive.**

ORDINANCE NO. 4956-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING CHAPTER 94, ZONING AND LAND DEVELOPMENT REGULATIONS AT ARTICLE IV - DOWNTOWN MASTER PLAN, SECTION 94-109 DEFINITIONS, SECTION 94-132 TRANSFER OF DEVELOPMENT RIGHTS, AND 94-133 SPECIAL DISTRICT INCENTIVES, TO ALLOW ADDITIONAL HOTEL TYPES TO BE ELIGIBLE FOR THE QUADRILLE BUSINESS DISTRICT INCENTIVE; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
Agenda Cover Memorandum No.: 23383

Staff Recommended Motion:

Approve Ordinance 4956-21 on First Reading and schedule a Second Reading. This recommendation is based on the factual testimony presented, the staff report, the recommendation of the Planning Board, and upon the findings that the proposed amendment complies with all the amendment standards found in Section 94-32 of the Zoning and Land Development Regulations.

Background:

Last February 8, 2021, Harvey E. Oyer of Shutts & Bowen LLP, on behalf of Lineaire Group LLC applied for a text amendment to the Zoning and Land Development regulations to allow boutique hotels of at least 100 rooms to be eligible for the existing Quadrille

Business District (QBD) incentive.

At the time the applicant submitted the proposed amendment, the City had started discussions about the need to modify the adopted special district incentives, such as the QBD, to reflect the changing conditions in the downtown environment. In the last year, two (2) hotel projects have been completed: the Canopy hotel and the Ben hotel; and two (2) class A office projects are currently under construction, the 360 Rosemary and the One West Palm office and hotel project. In addition, two (2) new class A office project are currently under review along Okeechobee Boulevard, making evident that it is no longer necessary to incentivize the construction of class A office and full service hotels downtown.

As part of the downtown changes in the last year, there has been significant discussions within the City regarding the lack of availability of reasonably priced housing for individuals and families earning a salary around the \$80,100 area median income (AMI), based on the Florida Housing Finance Corporation, within the downtown area. It has been identified that as the employment in the downtown increases, the availability of housing for workers has not followed the same pace, forcing workers to commute to downtown every day, and increasing traffic congestion. As the discussions for a possible workforce housing incentive program downtown advanced, staff discussed with the applicant the City's intention to modify the current QBD incentive to allow all uses to take advantage of the additional FAR and height offered by the TDR incentive program within the QBD district. The City initiated amendment for the workforce housing started in March this year, and the necessary Comprehensive Plan amendment for the workforce housing were approved in First Reading by the City Commission last April 28, 2021.

Staff is now working on the ZLDRs, which include the details of the workforce housing incentive. However, the complexity of the language will require some additional time to draft, and the applicant does not desire to wait for the workforce housing program adoption to move ahead with his proposed changes to allow boutique hotel to be eligible for the QBD incentive. Considering this time constraint, the applicant decided to continue with its initial proposal for a code amendment ahead of the City-initiated amendment.

Staff analyzed the specific language proposed by the applicant, and after discussions with the applicant staff proposed a simplified version that meets the intent of the changes.

The proposed changes are as follows:

1. Section 94-109, Definitions: The definition of boutique hotel is modified to reduce the minimum size required for a room from 325 sf to 275 sf. The applicant presented documentation that indicates the market trend for decreasing the average room size for boutique hotels.

2. Section 94-132, Transfer of development rights and Section 94-133, Special district incentives: The QBD incentive currently states that for properties designated as QBD-8(25) and QBD-10(25) TDR receiving sites, the ability to utilize TDRs to increase height and FAR above the by-right designation is restricted to the development of class A office, full service hotels, or residential development. The proposed amendment is to remove the specific TDR eligibility requirement for full-service hotels and replace it for hotels in general for properties designated as QBD-8(25) and QBD-10(25) TDR receiving site.

The language originally proposed by the applicant suggested adding boutique hotels as permitted along with full-service hotels; however, it is staff's professional opinion that all type of hotels should be permitted within the district, including regular hotels.

It is staff's professional opinion the proposed changes are in line with the City's desire to remove the current use restrictions for eligibility within the QBD, due to the changed conditions of the downtown. Despite the fact that the QBD incentive will allow additional hotel to be eligible for the incentive, it is important to note that the supply of City-owned TDRs is very limited, and it is very likely that the City would not have any City-owned TDRs to offer as incentive for the identified uses. The current Code allows project to buy TDRs in the private market.

The amendments set forth in Ordinance No. 4956-21 were approved unanimously by the Downtown Action Committee (7-0) on May 12, 2021 and by the Planning Board (5-0) on May 18, 2021.

**PUBLIC HEARING – QUASI JUDICIAL (12):
DISCLOSURE OF EX PARTE COMMUNICATIONS, IF ANY*
SWEARING IN OF WITNESSES**

12. **Public Hearing and Second Reading of Ordinance No. 4949-21 **APPROVED** approving the voluntary annexation of a 0.17-acre parcel, located at 4449 12th Street into the City of West Palm Beach.**

Public Hearing and Second Reading of Ordinance No. 4950-21 **APPROVED approving a Future Land Use map amendment changing the Future Land Use designation of a 0.17-acre parcel located at 4449 12th Street from a Palm Beach County Commercial High (CH/8) designation to a City of West Palm Beach Commercial designation.**

Public Hearing and Second Reading of Ordinance No. 4951-21 **APPROVED regarding a rezoning to change the zoning designation of a 0.17-acre parcel located at 4449 12th Street from a Palm Beach County General Commercial zoning designation to a City of West Palm Beach General Commercial zoning designation.**

Public Hearing of Resolution No. 116-21 **APPROVED regarding the abandonment of a 20-foot wide by 125-foot long portion of a platted alley right-of-way, located on the north side of 12th Street and approximately 273 feet east of North Military Trail, and consisting of approximately 0.06-acres (2,500 square feet).**

The above referenced requests are being made by Kevin McGinley of LRMI, on behalf of Military Brake and Alignment Services, Inc.

ORDINANCE NO. 4949-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, VOLUNTARILY ANNEXING APPROXIMATELY 0.17 ACRES OF LAND LOCATED AT 4449 12TH STREET; DECLARING THAT ALL LEGAL PREREQUISITES AND REQUIREMENTS HAVE BEEN MET; FINDING CONSISTENCY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4950-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF WEST PALM BEACH, FLORIDA, BY CHANGING THE FUTURE LAND USE DESIGNATION OF AN APPROXIMATELY 0.17-ACRE PARCEL LOCATED AT 4449 12TH STREET FROM A PALM BEACH COUNTY COMMERCIAL HIGH DESIGNATION TO A CITY OF WEST PALM BEACH COMMERCIAL DESIGNATION; DECLARING THE PROPOSED AMENDMENT TO FUTURE LAND USE MAP TO BE CONSISTENT WITH ALL OTHER ELEMENTS OF THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4951-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF WEST PALM BEACH, FLORIDA, BY REZONING AN APPROXIMATELY 0.17 ACRE PARCEL LOCATED AT 4449 12TH STREET FROM A PALM BEACH COUNTY GENERAL COMMERCIAL ZONING DESIGNATION TO A CITY OF WEST PALM BEACH GENERAL COMMERCIAL ZONING DESIGNATION; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REVISING THE ZONING MAP OF THE CITY ACCORDINGLY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 116-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, VACATING AND ABANDONING AN APPROXIMATELY 0.06 ACRE (2,500 SQUARE FEET) PORTION OF A PLATTED RIGHT-OF-WAY LOCATED ON THE NORTH SIDE OF 12TH STREET AND APPROXIMATELY 273 FEET EAST OF NORTH MILITARY TRAIL; RESERVING A UTILITY EASEMENT; AUTHORIZING EXECUTION OF A DISCLAIMER OF INTEREST IN THE AFORESAID RIGHT-OF-WAY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23384

Staff Recommended Motion:

Approve Ordinance No. 4949-21 approving a voluntarily annexing a 0.17-acre parcel located at 4449 12th Street into the City of West Palm Beach. 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 annexation meets the criteria set forth in Section 171.044, Florida Statutes.

Approve Ordinance No. 4950-21 to change the Future Land Use designation of a 0.17-acre parcel located at 4449 12th Street from a Palm Beach County Commercial High (CH/8) to a City of West Palm Beach Commercial Future Land Use designation. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board and the findings that the request complies with the provisions of Chapter 163, Florida Statue and the Future Land Use Amendment Standards found in Policy 1.1.5 of the Future Land Use Element of the City's Comprehensive Plan.

Approve Ordinance No. 4951-21 to rezone a 0.17-acre parcel located at 4449 12th Street changing the zoning designation from Palm Beach County General Commercial to City of West Palm Beach General Commercial. This motion is based upon the application submitted, the staff report, the testimony given, the recommendation of the Planning Board, along with the findings that the rezoning 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.

Approve Resolution No. 116-21 to abandon of a 20-foot wide by 125-foot long platted portion of an alley right-of-way, located on the north side of 12th Street and approximately 273-feet east of North Military Trail, and consisting of 0.06-acres (2,500 square feet).

Background:

(The information provided below is a general summary on the proposed annexation, Future Land Use map amendment and rezoning. A full analysis is included in the Staff Report).

The 0.17-acre subject property is located on the north side of 12th Street, and approximately 213-feet east of North Military Trail, with an address of 4449 12th Street in unincorporated Palm Beach County. The property, which is bordered by the Peggy Adams Animal Rescue Facility, except for a 20-foot wide platted public alley right-of-way immediately east, is comprised of a one (1) story, 2,662 square foot automotive repair shop, Military Brake and Alignment Services, Inc., that has been in operation on the property since 1964.

Over the years, the property has been subject to a number of code enforcement violations in the County for signage, use of the adjacent alley right-of-way for the existing operation, parking and other minor infractions. In the course of addressing those complaints, it was determined by the applicant that annexing the property into the City of West Palm Beach would offer a more practical approach to resolving the code violations. It is the applicant's desire for voluntary annexation into the City, along with a request for a Future Land Use (FLU) Map Amendment and rezoning for consistency with the City's FLU and Zoning designations. The applicant has also submitted a request for the abandonment of the portion of the adjacent 20-foot wide by 125-foot long alley right-of-way to allow the existing operation additional area to operate.

On October 13, 2020, Planning Staff received a letter from the Palm Beach County Department of Planning, Zoning and Building, stating that County Staff has not identified any inconsistencies with Chapter 171, Florida Statutes and that there are no County-owned or maintained roads affected by the proposed annexation, and therefore, the County would not object to the annexation request. The letter has been included in the Staff Report as an exhibit.

Staff's analysis of the proposed annexation, FLU map amendment and rezoning of the subject property, and the analysis for the abandonment of the subject 20-foot wide by 125-foot long portion of the platted public alley immediately east of the subject property, are summarized below:

ANNEXATION

Staff has found that the proposed annexation of the subject property has met the criteria for voluntary annexation, pursuant to Chapter 171, Section 171.044, Florida Statutes. Staff's analysis of the applicable annexation criteria, as set forth in Section 171.044, Florida Statutes is provided in the Staff Report.

FUTURE LAND USE (FLU) MAP AMENDMENT

Under statutory law, once the subject property is annexed into the City, the property is required to possess a City land use designation. Therefore, in conjunction with the voluntary annexation request, the applicant is requesting a Future Land Use (FLU) change of the subject property from a Palm Beach County Commercial High (CH/8) FLU

designation to a City of West Palm Beach Commercial (C) FLU designation.

Staff does anticipate any issues with the proposed FLU amendment. As part of any proposed FLU amendment, a level of service (LOS) analysis was conducted to determine if the proposed FLU designation for the subject property would cause any increase in impacts to the public facilities servicing the site and the surrounding area and if there is reserved capacity to accommodate any increase in demand (i.e. potable water, wastewater, solid waste, roadway, etc.). Since the maximum allowable development is reduced with the proposed FLU change to City Commercial, the demand on public facilities is also expected to decrease and not cause any capacity issues.

In terms of land use compatibility, the existing automotive repair shop is a commercial use that has been in existence on the subject property for many years, operating harmoniously with the automotive use to the south and the commercial uses along Military Trail. According to the applicant, the auto repair shop use is expected to continue on the property.

REZONING

In conjunction with the request to change the FLU, the applicant is also seeking approval to change the zoning designation of the subject property from Palm Beach County General Commercial (CG) to City of West Palm Beach General Commercial (GC) for consistency with the annexation and the FLU map amendment applications.

Based on Staff's review of the rezoning request, Staff has no objection. The rezoning to GC is consistent with the proposed FLU designation of C. It is also Staff's professional opinion that the application for the rezoning meets the Rezoning Standards of Section 94-32 of the City's Zoning and Land Development Regulations (ZLDRs), and therefore, Staff has no objection to the rezoning request.

ABANDONMENT OF ALLEY RIGHT-OF-WAY (ROW)

The platted portion of the alley right-of-way considered for abandonment is located immediately east of the parcel located at 4449 12th Street. The subject portion of the alley is 20-foot wide by 125-foot long and consist of approximately 0.06-acres (2,500 square feet). There is a survey of the right-of-way.

The applicant, who is also the property owner of the adjacent parcel at 4449 12th Street, is requesting approval for the vacation of the subject right-of-way for assemblage with the property at 4449 12th Street.

The abandonment of the subject portion of the alley right-of-way will not result in any negative impact to the surrounding area since the subject portion of the alley dead-ends into the private property with no immediate access from the right-of-way.

A portion of the right-of-way is also encumbered by utility lines, and a utility easement reservation will be required if the abandonment is approved.

An appraisal for the abandonment of the subject portion of the alley was prepared by Anderson & Carr, Inc., on April 26, 2021. According to the appraisal report, the market value for the subject area with a utility easement reservation is \$22,500. The applicant has agreed to pay the City the appraised value for the abandonment.

CONCLUSION

STANDARDS: It is in Staff's professional opinion that the annexation, Future Land Use map amendment and rezoning satisfy all the standards required by Chapters 171 and 163, Florida Statutes, the City's Comprehensive Plan, and the City's Zoning and Land Development Regulations. It is also in Staff's professional opinion that the requested abandonment complies with the abandonment criteria in Section 78-217 of the City's Code of Ordinances. Therefore, Staff is recommending approval of all requests.

PLANNING BOARD: After a Public Hearing on March 16, 2021, the Planning Board voted unanimously to recommend approval (6-0) of the annexation, Future Land Use map amendment, and the rezoning. The request for the right-of-way abandonment was not required to go before the Planning Board.

PUBLIC NOTICE (Annexation, FLU amendment, and Rezoning): Individual notices were mailed to all property owners within 500 feet of the subject property on May 14, 2021, and the site has been posted since February 26, 2021. Per Statutory requirement, the First and Second Reading of Ordinance Nos. 4949-21 and 4950-21 were advertised in the Palm Beach Post on May 31, 2021; June 7, 2021; and June 23, 2021; and Ordinance No. 4951-21 was advertised in the Palm Beach Post on June 18, 2021 per the City's Code.

PUBLIC NOTICE (ROW Abandonment): Pursuant to the requirement of Section 78-215(b) of the City's Code of Ordinances, individual notices were mailed to all property owners within 400 feet of the subject right-of-way on May 14, 2021, and the site has been posted since May 14, 2021. The Resolution was also advertised in the Palm Beach Post on June 13, 2021. At the time of this report, the City has received no inquiries regarding the general nature of the abandonment request.

COMMISSION DISTRICT: The 0.17-acre subject property considered for the annexation, Future Land Use map amendment, and rezoning is located at 4449 12th Street, and upon the approval of the annexation, the parcel will be located within Commission District 2: Commissioner Shalonda Warren.

The 0.06-acre portion of the alley considered for the abandonment is located within Commission District 2: Commissioner Shalonda Warren.

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.