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Mayor Keith A. James  
Commission President Joseph A. Peduzzi (District 4)  
Commissioner Kelly Shoaf (District 1)  
Commissioner Shalonda Warren (District 2)  
Commissioner Christy Fox (District 3)  
Commissioner Christina Lambert (District 5)

City Administrator Faye W. Johnson  
City Attorney Kimberly Rothenburg  
City Clerk Hazeline Carson

**City of West Palm Beach  
City Commission  
DRAFT Agenda  
Monday, January 24, 2022  
5:00 PM**

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, FL 33401, (561) 822-1210.

**1. CALL TO ORDER**

**2. MOMENT OF SILENCE**

**3. PLEDGE OF ALLEGIANCE**

**4. 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.

**5. ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA**

**6. PRESENTATION**

- 6.1. Final Presentation of 1909 Community Gamification Program for 2021.

**Originating Department:**

Economic Development

**Background Information:**

Final disbursement to Company once Final Report is received. This Presentation on January 24th will provide results from the 2021 entrepreneurial grant program.

## 7. CONSENT CALENDAR

All items listed under the consent calendar are considered routine and will be enacted by one motion. There will be no separate discussion of these items.

- 7.1. Resolution No. 325-21 ratifying the City's application for grants under the Early Learning Coalition's Child Care Provider Phase VI Program for South Olive Community Center for \$38,076 and Gaines Park Community Center for \$38,076 and ratifying the Mayor's execution of the Eligibility Forms and the City's submittal of the applications to the Early Learning Coalition.

**Originating Department:**

Parks and Recreation

**Ordinance/Resolution:**

RESOLUTION NO. 325-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING AND RATIFYING THE CITY'S APPLICATION FOR A GRANT UNDER THE EARLY LEARNING COALITION OF PALM BEACH COUNTY CHILD CARE PROVIDER PHASE VI GRANT PROGRAM IN THE AMOUNT OF \$38,076 FOR THE SOUTH OLIVE COMMUNITY CENTER AND \$38,076 FOR THE GAINES PARK COMMUNITY CENTER; AUTHORIZING AND RATIFYING THE MAYOR'S EXECUTION OF THE ELIGIBILITY FORMS EFFECTIVE AS OF NOVEMBER 19, 2021; AUTHORIZING AND RATIFYING THE SUBMITTAL OF ELIGIBILITY FORMS TO THE EARLY LEARNING COALITION OF PALM BEACH COUNTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

The Department of Parks and Recreation was contacted on November 16, 2021, by the Early Learning Coalition of Palm Beach County regarding the State of Florida Office of Early Learning COVID-19 Emergency Funding Phase VI grant funding to support ongoing out-of-school program operations. The Early Learning Coalition provided the City with two (2) Early Learning/Child Care Provider Phase VI Grant Eligibility Forms [one for each licensed City facility] to complete, sign, and return for funding. The City's out-of-school programs are eligible based on the open criteria/operating September 1, 2021 providing on-sight early learning services.

The City was advised by the Early Learning Coalition to have the Phase VI Grant Eligibility Forms signed immediately upon receipt. In order to ensure the receipt of the funding the Grant Eligibility Forms were completed and signed by the Mayor. Therefore, this agenda item authorizes and ratifies the application, the execution of the Grant Eligibility Forms by the Mayor and submittal of the forms to the Early Learning Coalition.

The phase VI funding being offered is based on capacity of enrollment at licensed child-care centers. Funds will be specified for deferred maintenance, program equipment, program enhancements and supplies. In addition the grant requires a specified amount (\$2,400 per site) be allocated to Workforce Initiatives such as recruitment, on-boarding, retention, and up-skilling expenses. The proposed budget for each center is as follows:

- Gaines Park Community Center: \$38,076
- South Olive Park Community Center: \$38,076
- Total: \$76,152

Gaines Park Community Center is located in Commission District 1: Commissioner Kelly Shoaf.

South Olive Community Center is located in Commission District 5: Commissioner Christina Lambert.

**Fiscal Note:**

Approved funding will total \$76,152 in grant funds.

- 7.2. Resolution No. 330-21 authorizing the Mayor to execute an Agreement between the City of West Palm Beach and The Arc of Palm Beach County to provide for core recreation programs for the special needs population.

**Originating Department:**

Parks and Recreation

**Ordinance/Resolution:**

RESOLUTION NO. 330-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE ARC OF PALM BEACH COUNTY, INC. TO PROVIDE CORE PROGRAMS FOR THE SPECIAL NEEDS POPULATION; PROVIDING FOR CERTAIN FUNDING AND IN KIND SERVICES BY THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

The Arc of Palm Beach County ("The Arc") has received funding from the City of West Palm Beach to provide recreation services to people with disabilities since 1994. The Department of Parks and Recreation would

like to continue this service of providing recreation programming to people with disabilities.

The City has provided annually \$80,000 in grant funds to The Arc for services. With this funding The Arc provides core recreation programs, supplies and staff. The City provides office space and loans certain equipment to The Arc to support these services.

Over the past 30 years the services which The Arc has provided to residents with disabilities have proven to be very successful and beneficial to the families served. Core programs offered by The Arc include but are not limited to:

- Good Times Club: A social program for adults who are blind or visually impaired.
- TGIF: A social program for adults who are developmentally delayed and/or other disabilities.
- Leisure Alternatives: Leisure program for mentally and/or handicapped adults.
- Summer Day Camp: A summer camp program for children who are developmentally delayed, children with learning disabilities, and children with attention deficit disorder.
- Teen Night Out: A social program for teenagers who are developmentally delayed, with learning disabilities and attention deficit disorder.
- Teen Winter Camp: A holiday camp program geared to teenagers who are developmentally delayed, with learning disabilities and attention deficit disorder.

The Arc also provides staff assistance with the City's inclusion programs. This assistance has been invaluable to the City as The Arc staff possess the expertise necessary to assess participants with special needs, and the level of services and staffing required to allow for a safe, fun and fulfilling experience. Additionally, The Arc performs in-service training with City staff on how best to accommodate participants to ensure a positive inclusionary experience for all.

The programs offered by The Arc are available to City residents initially then to non-City residents until vacancies are filled.

**Fiscal Note:**

Approval will allow for special needs and inclusionary programming to continue.

- 7.3. Resolution No. 3-22 authorizing the assessment of city liens in the total amount of \$198,093.37 for unpaid water service, sewer service and storm water charges for the month of October 2021.

**Originating Department:**

City Attorney's Office

**Ordinance/Resolution:**

RESOLUTION NO. 3-22: 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 OCTOBER 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.

**Background Information:**

In accordance with the Code of Ordinances of the City of West Palm Beach, Florida, 2003, Sections 90-4 and 90-5, the City imposes liens on private real property for delinquent payments due for utility services. The liens to be assessed by Resolution No. 3-22 are for unpaid water service, sewer service and stormwater service charges for the month of October 2021. The list of properties to be assessed and the associated charges totaling \$198,093.37 are attached to Resolution No. 3-22 as EXHIBIT A - UTILITY LIEN LIST - OCTOBER 2021.

**Fiscal Note:**

No fiscal impact.

- 7.4. Resolution No. 7-22 approving a locally funded agreement with the State of Florida Department of Transportation, to provide \$35,000 toward the West Palm Beach Transportation Management Initiative.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 7-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A LOCALLY FUNDED AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION TO PROVIDE FUNDING TOWARDS THE WEST PALM BEACH TRANSPORTATION MANAGEMENT INITIATIVE THROUGH SEPTEMBER 30, 2022; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

Resolution No. 7-22 authorizes the Mayor to execute a locally funded agreement with the Florida Department of Transportation (FDOT) to continue FDOT's participation and funding toward the Transportation Management Initiative through Fiscal Year 2021-2022. The City will pay FDOT the sum of Thirty Five Thousand (\$35,000) for its services. FDOT's share under this agreement is Twenty Five Thousand (\$25,000) for a total cost of Sixty Thousand (\$60,000).

As part of the Transportation Concurrency Exception Area (TCEA) adopted by the City in 1997 and Palm Beach County, and included in their respective Comprehensive Plan's Transportation Elements, the City of West Palm Beach was required to implement a series of programs and strategies in order to address congestion within the downtown. In January 2002, a meeting of downtown West Palm Beach stakeholders was held to discuss solutions to traffic congestion. City leaders, County leaders, representatives of the Florida Department of Transportation (FDOT), and the Downtown business community reached a clear consensus that one effective solution to traffic would be to establish a Downtown West Palm Beach Transportation Management Initiative (TMI). The City of West Palm Beach and the FDOT have periodically executed joint participation agreements to fund the TMI. The TMI is a public/private initiative that provides transportation assistance to employers, commuters, residents, and the Downtown business community. In addition, it serves as a forum for coordinating public and private efforts relating to transportation issues. The purpose of the TMI is to address downtown West Palm Beach traffic congestion and parking demand by encouraging and promoting alternatives to single occupancy vehicles in the downtown.

South Florida Commuter Services (SFCS), the regional commuter assistance program of FDOT, was contracted to operate the TMI. In June 2002, a full time Program Coordinator was hired and the TMI started operations. Since that time, and on an annual basis, the City and the FDOT have extended this agreement in which the City agrees to pay its annual share towards the project's cost in order to fulfill the TCEA requirements and to promote alternative modes of transportation in the City.

In total, for FY 2021-2022, the City will contribute the sum of Thirty Five Thousand (\$35,000) towards this agreement, which is the same amount the City has contributed for the last few years, while FDOT's share under this agreement is Twenty Five Thousand (\$25,000), for a grand total of Sixty Thousand (\$60,000). These amounts will fund approximately twenty (20) hours per week of SFCS staff dedicated to West Palm Beach TMI functions, with the rest of their time being dedicated to Countywide TMI tasks.

Pursuant to the Agreement, the City agrees to utilize the Federal government e-Verify system to verify the employment of new employees.

- 7.5. Resolution No. 10-22 approving an Ad Valorem Tax Exemption, Completed Work Application, for the property located at 823 38th Street.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 10-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR THE PROPERTY LOCATED AT 823 38th STREET, WEST PALM BEACH, FLORIDA, AS A RESULT OF THE HISTORIC REHABILITATION OF THE PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

At the March 23, 2021 meeting, the Historic Preservation Board (HPB) reviewed and recommended approval (7-0) of the Completed Work Application for the property at 823 38th Street. The HPB determined that the improvements to the historic property were successfully completed according to the Secretary of the Interior's Standards for Rehabilitation. The defining architectural characteristics of the building were preserved and new features were determined to be compatible.

The subject property is listed as a Mission style residence, constructed in 1926. A contributing structure within the Northwood Hills Historic District, it's character defining features includes an arched entry.

Section 94-51 of the Code of Ordinances sets forth an Ad Valorem Tax Exemption program for historic properties. The program permits a ten year Ad Valorem Tax Exemption for improvements made to historic properties. To qualify, the property must be designated as an individual site or as a contributing property within an historic district in the Local and/or National Registers of Historic Places. The property owner is required to apply for the program before improvements are initiated and again after the project is completed. The exemption is given for the City's and County's portion of taxes associated with the increased value of the property due to the improvements.

Significant improvements to the property include: window replacement, complete interior restorations and modifications, stucco and landscaping. The applicant estimates the work to total \$270,000.

The State Legislation allowing this exemption requires that the Commission approve the final application. After the Commission's approval the information will be forwarded to the Palm Beach County Property Appraiser's office for implementation.

The subject property is located in Commission District 1: Commissioner Kelly Shoaf.

- 7.6. Resolution No. 11-22 approving an Ad Valorem Tax Exemption, Completed Work Application, for the property located at 506 46th Street.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 11-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR THE PROPERTY LOCATED AT 506 46th STREET, WEST PALM BEACH, FLORIDA, AS A RESULT OF THE HISTORIC REHABILITATION OF THE PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

At the May 25, 2021 meeting, the Historic Preservation Board (HPB) reviewed and recommended approval (7-0) of the Completed Work Application for the property at 506 46th Street. The HPB determined that the improvements to the historic property were successfully completed according to the Secretary of the Interior's Standards for Rehabilitation. The defining architectural characteristics of the building were preserved and new features were determined to be compatible.

The subject property is listed as a Frame vernacular style residence, constructed in 1935. A contributing structure within the Northwood Harbor Historic District, it's character defining features includes an arched entry.

Section 94-51 of the Code of Ordinances sets forth an Ad Valorem Tax Exemption program for historic properties. The program permits a ten year Ad Valorem Tax Exemption for improvements made to historic properties. To qualify, the property must be designated as an individual site or as a contributing property within an historic district in the Local and/or National Registers of Historic Places. The property owner is required to apply for the program before improvements are initiated and again after the project is completed. The exemption is given for the City's and County's portion of taxes associated with the increased value of the property due to the improvements.

Significant improvements to the property include: a 640 SF addition, window replacement, complete interior restorations and modifications, siding and landscaping. The applicant estimates the work to total \$345,000.

The State Legislation allowing this exemption requires that the Commission approve the final application. After the Commission's approval the information will be forwarded to the Palm Beach County Property Appraiser's office for implementation.



The subject property is located in Commission District 1: Commissioner Kelly Shoaf.

- 7.7. Resolution No. 12-22 approving an Ad Valorem Tax Exemption, Completed Work Application, for the property located at 224 Almeria Road.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 12-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR THE PROPERTY LOCATED AT 224 ALMERIA ROAD, WEST PALM BEACH, FLORIDA, AS A RESULT OF THE HISTORIC REHABILITATION OF THE PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

At the June 22, 2021 meeting, the Historic Preservation Board (HPB) reviewed and recommended approval (7-0) of the Completed Work Application for the property at 224 Almeria Road. The HPB determined that the improvements to the historic property were successfully completed according to the Secretary of the Interior's Standards for Rehabilitation. The defining architectural characteristics of the building were preserved and new features were determined to be compatible.

The subject property is listed as a Mission style residence, constructed circa 1925. A contributing structure within the El Cid Historic District, it's character defining features includes an arched entry and wing wall.

Section 94-51 of the Code of Ordinances sets forth an Ad Valorem Tax Exemption program for historic properties. The program permits a ten year Ad Valorem Tax Exemption for improvements made to historic properties. To qualify, the property must be designated as an individual site or as a contributing property within an historic district in the Local and/or National Registers of Historic Places. The property owner is required to apply for the program before improvements are initiated and again after the project is completed. The exemption is given for the City's and County's portion of taxes associated with the increased value of the property due to the improvements.

Significant improvements to the property include a 535 SF addition. The applicant estimates the work to total \$100,000.

The State Legislation allowing this exemption requires that the Commission approve the final application. After the Commission's approval the information will be forwarded to the Palm Beach County Property Appraiser's office for implementation.

The subject property is located in Commission District 5: Commissioner Christina Lambert.

- 7.8. Resolution No. 13-22 approving an Ad Valorem Tax Exemption, Completed Work Application, for the property located at 406 35th Street.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 13-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR THE PROPERTY LOCATED AT 406 35th STREET, WEST PALM BEACH, FLORIDA, AS A RESULT OF THE HISTORIC REHABILITATION OF THE PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

At the July 23, 2021 meeting, the Historic Preservation Board (HPB) reviewed and recommended approval (7-0) of the Completed Work Application for the property at 406 35th Street. The HPB determined that the improvements to the historic property were successfully completed according to the Secretary of the Interior's Standards for Rehabilitation. The defining architectural characteristics of the building were preserved and new features were determined to be compatible.

The subject property is listed as a Minimal Traditional residence, constructed in 1942. A contributing structure within the Old Northwood Historic District, it's character defining features include triple windows and a front facing gable.

Section 94-51 of the Code of Ordinances sets forth an Ad Valorem Tax Exemption program for historic properties. The program permits a ten year Ad Valorem Tax Exemption for improvements made to historic properties. To qualify, the property must be designated as an individual site or as a contributing property within an historic district in the Local and/or National Registers of Historic Places. The property owner is required to apply for the program before improvements are initiated and again after the project is completed. The exemption is given for the City's and County's portion of taxes associated with the increased value of the property due to the improvements.

Significant improvements to the property include a 782 SF addition and new windows and doors. The applicant estimates the work to total \$245,000.

The State Legislation allowing this exemption requires that the Commission approve the final application. After the Commission's approval the

information will be forwarded to the Palm Beach County Property Appraiser's office for implementation.

The subject property is located in Commission District 1: Commissioner Kelly Shoaf.

- 7.9. Resolution No. 14-22 approving an Ad Valorem Tax Exemption, Completed Work Application, for the property located at 3101 Washington Road.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 14-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR THE PROPERTY LOCATED AT 3101 WASHINGTON ROAD, WEST PALM BEACH, FLORIDA, AS A RESULT OF THE HISTORIC REHABILITATION OF THE PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

At the September 28, 2021 meeting, the Historic Preservation Board (HPB) reviewed and recommended approval (7-0) of the Completed Work Application for the property at 3101 Washington Road. The HPB determined that the improvements to the historic property were successfully completed according to the Secretary of the Interior's Standards for Rehabilitation. The defining architectural characteristics of the building were preserved and new features were determined to be compatible.

The subject property is listed as a Mediterranean Revival residence, constructed in 1922. A contributing structure within the Prospect Park/Southland Park Historic District, it's character defining feature is a columned semicircular front porch.

Section 94-51 of the Code of Ordinances sets forth an Ad Valorem Tax Exemption program for historic properties. The program permits a ten year Ad Valorem Tax Exemption for improvements made to historic properties. To qualify, the property must be designated as an individual site or as a contributing property within an historic district in the Local and/or National Registers of Historic Places. The property owner is required to apply for the program before improvements are initiated and again after the project is completed. The exemption is given for the City's and County's portion of taxes associated with the increased value of the property due to the improvements.

Significant improvements to the property include a 990 square foot addition on the main house and a 460 square foot addition over the garage as well

as restoration of and new windows and doors. The applicant estimates the work to total \$2,200,000.

The State Legislation allowing this exemption requires that the Commission approve the final application. After the Commission's approval the information will be forwarded to the Palm Beach County Property Appraiser's office for implementation.

The subject property is located in Commission District 5: Commissioner Christina Lambert.

- 7.10. Resolution No. 15-22 approving an Ad Valorem Tax Exemption, Completed Work Application, for the property located at 509 38th Street.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 15-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR THE PROPERTY LOCATED AT 509 38th STREET, WEST PALM BEACH, FLORIDA, AS A RESULT OF THE HISTORIC REHABILITATION OF THE PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

At the October 26, 2021 meeting, the Historic Preservation Board (HPB) reviewed and recommended approval (7-0) of the Completed Work Application for the property at 509 38th Street. The HPB determined that the improvements to the historic property were successfully completed according to the Secretary of the Interior's Standards for Rehabilitation. The defining architectural characteristics of the building were preserved and new features were determined to be compatible.

The subject property is listed as a Vernacular residence, constructed in 1942. A contributing structure within the Northboro Park Historic District, it's character defining feature is a brick accent wall and flat roof.

Section 94-51 of the Code of Ordinances sets forth an Ad Valorem Tax Exemption program for historic properties. The program permits a ten year Ad Valorem Tax Exemption for improvements made to historic properties. To qualify, the property must be designated as an individual site or as a contributing property within an historic district in the Local and/or National Registers of Historic Places. The property owner is required to apply for the program before improvements are initiated and again after the project is completed. The exemption is given for the City's and County's portion of taxes associated with the increased value of the property due to the improvements.

Significant improvements to the property include new construction of an additional 1,940 square foot unit and site work. The applicant estimates the work to total \$488,000.

The State Legislation allowing this exemption requires that the Commission approve the final application. After the Commission's approval the information will be forwarded to the Palm Beach County Property Appraiser's office for implementation.

The subject property is located in Commission District 1: Commissioner Kelly Shoaf.

- 7.11. Resolution No. 16-22 approving an Ad Valorem Tax Exemption, Completed Work Application, for the property located at 3815 Eastview Avenue.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 16-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR THE PROPERTY LOCATED AT 3815 EASTVIEW AVENUE, WEST PALM BEACH, FLORIDA, AS A RESULT OF THE HISTORIC REHABILITATION OF THE PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

At the November 17, 2021 meeting, the Historic Preservation Board (HPB) reviewed and recommended approval (7-0) of the Completed Work Application for the property at 3815 Eastview Avenue. The HPB determined that the improvements to the historic property were successfully completed according to the Secretary of the Interior's Standards for Rehabilitation. The defining architectural characteristics of the building were preserved and new features were determined to be compatible.

The subject property is listed as a Mediterranean Revival residence, constructed in 1926. A contributing structure within the Northwood Hills Historic District, it's character defining feature is its large imposing castle-like appearance.

Section 94-51 of the Code of Ordinances sets forth an Ad Valorem Tax Exemption program for historic properties. The program permits a ten year Ad Valorem Tax Exemption for improvements made to historic properties. To qualify, the property must be designated as an individual site or as a contributing property within an historic district in the Local and/or National Registers of Historic Places. The property owner is required to apply for the program before improvements are initiated and again after the project

is completed. The exemption is given for the City's and County's portion of taxes associated with the increased value of the property due to the improvements.

Significant improvements to the property include complete rehabilitation of six units and site work. The applicant estimates the work to total \$1,150,000.

The State Legislation allowing this exemption requires that the Commission approve the final application. After the Commission's approval the information will be forwarded to the Palm Beach County Property Appraiser's office for implementation.

The subject property is located in Commission District 1: Commissioner Kelly Shoaf.

## 8. RESOLUTIONS

- 8.1. Resolution No. 19-22 granting Face of the City approval for the Artwork entitled "Aqua De Vida" by local artist Gregory Dirr as part of the City's initiative to raise awareness on the importance of its stormwater inlets.

**Originating Department:**

Art Life WPB

**Ordinance/Resolution:**

RESOLUTION NO. 19-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA APPROVING THE ARTWORK DESIGN ENTITLED "AQUA DE VIDA" BY LOCAL ARTIST GREGORY DIRR TO BE INSTALLED AS PART OF THE CITY'S INITIATIVE TO RAISE AWARENESS ON THE IMPORTANCE OF THE CITY'S STORM WATER INLETS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 19-22.

**Background Information:**

The City of West Palm Beach, through its ArtLife WPB Committee partnered with its Public Works, Public Utilities and Parks and Recreation departments to bring awareness to the City's Downtown/Clematis Street storm water inlets. On Saturday, February 5, 2022, the City will host a one-day public art event where volunteers will paint Mr. Dirr's design in the vicinity of designated stormwater inlets. The public art event, to be led by local artist Gregory Dirr, will occur at the same time as the City's Green Market.

The goal of this public art project is to bring visual attention and raise awareness about the importance and function of our stormwater inlets.

What goes down the drains negatively affects our water systems: litter, trash, and cigarette butts to name a few. To start this awareness campaign, the City is focusing on the waterfront, 100, 200, 300, and 400 blocks of Clematis Street. Through a direct invitation, the City invited Gregory Dirr to design an Artwork to be painted in designated areas. Further, Mr. Dirr will lead a team of volunteers to implement his design around the identified stormwater inlets.

"Aqua De Vida" is a colorful design to grab the viewers attention of water, waves and upon closer inspection fishes with bright red slogans that read: Protect our Waterways; Trash in the Streets Pollutes What We Eat; Be the Solution to Water Pollution; Only Rain Goes Down the Drain! and Keep it Clean. The artist states that he referenced classical tropical flora design as an inspiration for his design and that he sought to evoke feeling through the design and color choices. Lastly, he states "I wanted to create works of art that function both conceptually and visually. Something that would fit beautifully with the greater landscape and vibe of the city's local culture."

Resolution No. 19-22 grants Face of the City approval of "Aqua De Vida" by Gregory Dirr for the identified stormwater inlets on the waterfront, 100, 200, 300 and 400 blocks of Clematis Street.

Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

\$15,000 from the Public Art Account.

- 8.2. Resolution No. 5-22 for the execution of a Utility Work by Highway Contractor Agreement between the FDOT and the City of West Palm Beach (City) for the City Utility Work in conjunction with State Road No. 80/Southern Boulevard Milling & Resurfacing (Parker Avenue to Washington Road); and

Resolution No. 4-22(F) appropriating \$60,000 from Public Utilities Water and Sewer Renewal and Replacement Fund 454 reserve for future projects account for the cost of utility relocation within the State of Florida Department of Transportation's (FDOT) project limits on Southern Boulevard between Parker Avenue and Washington Road.

**Originating Department:**

Public Utilities

**Ordinance/Resolution:**

RESOLUTION NO. 5-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A UTILITY WORK BY HIGHWAY CONTRACTOR AGREEMENT BETWEEN FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AND THE CITY OF WEST PALM BEACH (CITY) FOR UTILITY WORK IN

CONJUNCTION WITH FDOT'S PROJECT ON STATE ROAD NO. 80/SOUTHERN BOULEVARD FROM EAST OF PARKER AVENUE TO WEST OF WASHINGTON ROAD, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 4-22(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 2021/2022 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 SEWER RENEWAL AND REPLACEMENT FUND BUDGET TO PROVIDE APPROPRIATIONS FOR THE COST OF UTILITY RELOCATION WITHIN FDOT PROJECT LIMITS ON SOUTHERN BOULEVARD BETWEEN PARKER AVENUE AND WASHINGTON ROAD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 4-22(F) and Resolution No. 5-22.

**Background Information:**

In June 2022, the Florida Department of Transportation (FDOT) will be soliciting bids for the improvements of State Road No. 80/Southern Boulevard from Parker Avenue to Washington Road ("FDOT Project"). The FDOT Project involves the milling & resurfacing, American Disability Act (ADA) improvements, and incidental sidewalk replacement. The total project length of the FDOT Project is approximately 3/4 mile which includes the SR80 Southern Boulevard bridge overpass that spans from Lake Avenue and Dixie Highway.

Within the FDOT Project corridor, incidental improvements of City's existing utilities will be required (Utility Work). The Utility Work consists of adjustment of sanitary sewer manhole lids, water valve boxes, and meter boxes, etc. to finished grade. The FDOT Project is anticipated to begin in December 2022 with a duration of ten (10) months.

FDOT and the City have determined that it is in the best interest of the public and to the economic advantage of both parties to enter into a Utility Work by Highway Contractor Agreement to accomplish the City's utility improvements ("Agreement"). Accordingly, the City's related utility work will be competitively bid as part of the FDOT project and constructed by FDOT Contractor. Under the terms of the Agreement, the City shall reimburse FDOT a total estimated amount of \$41,272, for the cost of the Utility Work. This amount includes the cost of utility items plus 10% construction contingency and 2% CEI (Construction, Engineering & Inspection).

Resolution No. 5-22 approves the Utility Work by Highway Contractor Agreement with FDOT for the utility work in this portion of State Road 60.



Resolution No. 4-22(F) appropriates the City funding of \$41,272 for the utility work.

This project is in Commission District No. 5: Commissioner Christina Lambert.

**Fiscal Note:**

The Water & Sewer Renewal & Replacement Fund 454 reserve for future projects balance will be approximately \$6.9M, post approval.

- 8.3. Resolution No. 6-22 approving a new grant agreement with the Florida Division of Emergency Management accepting federal FEMA funds in the amount of \$690,103.42 for a hazard mitigation project related to hurricane hardening at the City's Water Treatment Plant.

**Originating Department:**

Public Utilities

**Ordinance/Resolution:**

RESOLUTION NO. 6-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A FEDERALLY FUNDED GRANT IN THE AMOUNT OF \$690,103.42 FROM THE STATE OF FLORIDA, DIVISION OF EMERGENCY MANAGEMENT, UNDER THE HAZARD MITIGATION GRANT PROGRAM, FOR A WIND RETROFIT PROJECT RELATED TO HURRICANE HARDENING AT THE CITY'S WATER TREATMENT PLANT LOCATED AT 1009 BANYAN BOULEVARD; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 6-22.

**Background Information:**

In September 2019, the City was awarded a Federal Emergency Management Agency (FEMA) Grant through the Florida Division of Emergency Management (FDEM) to complete hurricane hardening and wind proofing measures at the Water Treatment Plant's Administration Building and High Service Pump Building. This involves installing new hurricane resistant windows and doors and providing additional structural hardening measures as identified by a structural engineer. The goal is to ensure continuous operation of the facility and safety of City staff.

On December 19, 2019, City Commission approved Resolution No. 409-19 accepting the grant and authorizing the execution of the Grant Agreement along with Resolution No. 407-19(F) providing the project funding in the amount of \$1,050,000.

On November 9, 2021, the Public Utilities Department was notified by the FDEM that there was an error in booking the original grant, requiring issuance of a new FEMA award letter and a new FEMA project number.

On December 6, 2021, a new Grant Agreement was received by the Public Utilities Department from the FDEM for review and execution. The FDEM Project Manager has requested that the signed copies be returned within sixty (60) days of receipt.

As of December 1, 2021, the Grant required Professional Engineer has been selected, the required structural evaluations of the Administration Building and High Service Pump House have been completed, and the contract's period of performance extension request has been approved. The Invitation to Bid for the construction phase of the project was beginning when the November 9, 2021, FDEM Notice to stop work was received.

FDEM Project No. 4337-529-R, Contract No. H0804 replaces FDEM Project No. 4337-293—R, Contract No. H0358.

Resolution No. 6-22 accepts the grant and authorizes execution of the Federally Funded Sub-Award and Grant Agreement with FDEM.

The Project is located in Commission District No. 3: Commissioner Christy Fox.

**Fiscal Note:**

On December 16, 2019, City Commission approved Resolution No. 407-19F in the amount of \$706,875 appropriating the Federal Emergency Management Agency grant award. A total of \$1,050,000 was appropriated for the Water Treatment Plant Administrative and East High Services Building Wind Retrofit project.

- 8.4. Resolution No. 23-22 creating the Mayor's Elementary Education Grant Program in the amount of \$25,000.

**Originating Department:**

Economic Development

**Ordinance/Resolution:**

RESOLUTION NO. 23-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, CREATING THE MAYOR'S ELEMENTARY EDUCATION GRANT PROGRAM TO ENHANCE ACADEMIC PERFORMANCE OF STUDENTS ATTENDING ELEMENTARY SCHOOL IN THE CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 23-22.

**Background Information:**

The Mayor's Elementary Education Grant Program's purpose is to provide funding for programs, instructional materials and/or equipment for students within the lowest 25% in reading and/or math to South Olive Elementary, Palmetto Elementary, Belvedere Elementary, UB Kinsey Elementary, Westward Elementary, Roosevelt Elementary, Pleasant City Elementary, Northboro Elementary, Northmore Elementary, Egret Lake Elementary and Grassy Waters Elementary.

All eleven elementary schools in the City of West Palm Beach will be eligible to apply for up to \$3,000 annually to provide funding necessary to help West Palm Beach students be successful. The funding may not be used for everyday equipment and materials but rather should be focused on programs, materials and equipment specifically needed to increase math and reading scores of children at or below the 25% mark. The grant recipients will then be required to submit invoices to support purchases and file a Data Summary Report showing how the students performed throughout the school year. The Data Summary will include academic growth, instructional objectives, strategies, and outcomes. Failure to submit a report to the Mayor's Office will make the school ineligible to receive funding for the following year.

As stated in the fiscal note, the Economic Development Department has budgeted \$25,000 and the CRA has budgeted \$8,000 to fund this program. The CRA budget appropriation will be subject to approval of an interlocal agreement which will be brought to the CRA and Commission for approval.

Approval of Resolution No. 23-22 creates the Mayor's Elementary Education Grant Program and the program guidelines.

**Fiscal Note:**

Economic Development fully budgeted \$25,000, and the CRA has budgeted \$8,000 for a total of \$33,000 for the program.

**9. PUBLIC HEARING**

- 9.1. Public Hearing and First Reading of Ordinance No. 4976-21 regarding a City-initiated text amendment to the City Code of Ordinances at Chapter 78, Article VI, Special Events, and Chapter 94, Section 94-407(12), Temporary signs for special noncommercial events, to amend the code provisions relating to special event permits on public and private property.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 4976-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA,

AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 78, STREETS, SIDEWALKS AND PUBLIC PLACES, TO AMEND AND REPLACE ARTICLE VI, SPECIAL EVENTS; REVISING THE REGULATIONS REGARDING SPECIAL EVENTS AND SPECIAL EVENT PERMITS; AMENDING CHAPTER 94, ZONING AND LAND DEVELOPMENT REGULATIONS, SECTION 94-407, SIGNS PERMITTED IN ALL DISTRICTS, TO AMEND THE REGULATIONS ADDRESSING TEMPORARY SIGNS FOR NONCOMMERCIAL EVENTS OF PUBLIC INTEREST; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 4976-21. Approve Ordinance No. 4976-21. 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 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.

**Background Information:**

Over the past few years, the Mayor's Office and the City Commission have received complaints regarding the impact of various special events on both public property and in residential zoning districts to the surrounding neighbors.

The Mayor directed staff to review the current Special Event regulations contained in Chapter 78 to incorporate language that would both permit successful events while protecting neighbors and the general public from potential negative effects of the event.

The Planning Division, Building Division, City Attorney's Office, Community Events Division, Community Redevelopment Agency, Engineering Services Department, Fire Department and Police Department all participated in the rewrite of the Special Event regulations.

On June 16, 2020, draft regulations were discussed with the Mayor's Executive Committee. On August 12, 2020, the El Cid Neighborhood Association provided comments on the proposed regulations. On August 31, 2020, the regulations were presented to the Mayor City Commission Work Session for input from the City Commissioners. Feedback from other stakeholders, including the Norton Sculpture Garden, have also been received.

The regulations address events held on public property and events held on private property that have a potential impact on the public realm. The regulations codify the Special Event Permit process for all types of events, and provide enforcement provisions.

Although the majority of the text amendment deals with changes to Chapter 78, there is currently reference to Special Event signage in Chapter 94 that will no longer apply. The provision in Chapter 94 will now direct a reader to Chapter 78 for the Special Event signage requirements; and

The Planning Board recommended approval (7-0) of the amendment to Section 94-407(12) after a Public Hearing on February 16, 2021.

This item applies City-wide.

**Fiscal Note:**

No fiscal impact.

## 10. PUBLIC HEARING - QUASI-JUDICIAL

Disclosure of ex-parte communications, if any\*  
Swearing-in of witnesses.

- 10.1. Public Hearing and Second Reading of Ordinance No. 4927-22: Regarding a rezoning of ±1.73 acres located at 4708-4714 North Flagler Drive from Multifamily High Density Residential to Residential Planned Development; and

Public Hearing of Resolution No. 2-22: Regarding the development regulations and conditions for The Alba Residences Residential Planned Development, and the granting of waivers of the Zoning and Land Development Regulations.

The above-referenced requests are being made by Jon Schmidt, of Schmidt Nichols, on behalf of Scuba Club WPB, LLC, to create The Alba Residences RPD and provide for the construction of a 55-unit multifamily development.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 4927-22: 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 BY REZONING ±1.73 ACRES LOCATED AT 4708-4714 NORTH FLAGLER DRIVE FROM MULTIFAMILY HIGH DENSITY RESIDENTIAL TO RESIDENTIAL PLANNED DEVELOPMENT TO CREATE THE ALBA RESIDENTIAL PLANNED DEVELOPMENT; PROVIDING FOR THE ESTABLISHMENT OF DEVELOPMENT REGULATIONS BY SEPARATE RESOLUTION; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY;

REVISING THE ZONING MAP OF THE CITY ACCORDINGLY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 2-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ESTABLISHING THE DEVELOPMENT REGULATIONS, INCLUDING THE SITE AND LANDSCAPE PLANS AND BUILDING ELEVATIONS, FOR THE ALBA RESIDENTIAL PLANNED DEVELOPMENT LOCATED AT 4708-4714 NORTH FLAGLER DRIVE; GRANTING WAIVERS TO THE ZONING AND LAND DEVELOPMENT REGULATIONS; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 4927-22, changing the zoning designation of ±1.73 acres located at 4708-4714 North Flagler Drive from Multifamily High Density Residential to Residential Planned Development, and granting a waiver of the minimum area required. 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 Comprehensive Plan and the standards in Sections 94-32 and 94-207 of the City's Zoning and Land Development Regulations. The City Commission finds that particular circumstances justify the reduction of the planned development acreage to less than ten (10) acres and that the requirements for the planned development district zoning and the benefits to be derived from the planned development district zoning can be derived in such lesser area.

Approve Resolution No. 2-22, approving the development regulations and conditions for The Alba Residences RPD, and grant waivers of the Zoning and Land Development Regulations. 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 Sections 94-32, 94-35, and 94-207 of the City's Zoning and Land Development Regulations.

**Background Information:**

(THE INFORMATION PROVIDED BELOW IS A GENERAL SUMMARY. A FULL ANALYSIS IS INCLUDED IN THE STAFF REPORT)

Located on the east side of North Flagler Drive, just under 100 feet north of the eastern terminus of 46th Street, the subject property, 4708-4714 North Flagler Drive, consists of ±1.73 acres (±0.51 acres of the property consist of submerged land that was deeded from the State of Florida) and is the former location of The Scuba Club. All buildings associated with the previous Scuba Club have been demolished and the property has remained vacant for several years.

In 2015, the subject property was previously approved for the construction of a 28-unit, five (5) story multifamily development. This project never came to fruition, but the entitlements continue to be valid as a result of multiple development order extensions that were granted in accordance with Florida Statutes; the development order is valid until December 23, 2022.

With the property under new ownership, the new owners reevaluated the previous project and are proposing an entirely new project consisting of 55 dwelling units at 21 stories in height. In order to effectuate their plans and to allow the request of certain waivers from the City's Zoning and Land Development Regulations (ZLDRs), an application was submitted to rezone the subject property from its current Multifamily High Density (MF32) Residential zoning designation to a Residential Planned Development (RPD).

The applicant is requesting the following waivers (all of which are described and analyzed in the Staff Report:

- Section 94-207(c)(2) and Sec. 94-241, Table VIII-1 – Minimum Land Area
- Section 94-241, Table VIII-1 – Maximum Building Height
- Section 94-309(f)(3) – Submerged Land Density
- Section 94-312(2)(a) – Separation of Access Points

The proposed project will expand upon the existing redevelopment efforts that are happening in the City's north end and continue to help create a catalyst that would help generate the momentum necessary to redevelop areas such as Broadway Avenue, infuse activity into the Northwood area, and create demand for more desirable businesses around the neighborhood.

It is Staff's professional opinion that, with the finding that particular circumstances justify the reduction of the planned development acreage to less than ten (10) acres and that the requirements for the planned development district zoning and the benefits to be derived from the planned development district zoning can be derived in such lesser area, the proposed RPD complies with the City's Comprehensive Plan, and that the proposed development, with the waivers granted, will comply with the standards required by the Zoning and Land Development Regulations. Planning Staff, therefore, is recommending approval, subject to the conditions contained in Resolution No. 2-22.

PLANNING BOARD: After a Public Hearing on November 16, 2021, the Planning Board recommended approval (6-1).

**PUBLIC NOTICE:** Individual notices were mailed to all property owners within 500 feet of the property, and signs were posted on the subject property. Ordinance No. 4927-22 and Resolution No. 2-22 were advertised in the Palm Beach Post on January 14, 2022.

**COMMISSION DISTRICT 1:** Commissioner Kelly Shoaf.

- 10.2. Public Hearing and First Reading of Ordinance No. 4988-21 to designate the former Hatch's Department store and related sites at 301 Clematis Street, 300 Banyan Boulevard and 161 North Olive Avenue on the West Palm Beach Register of Historic Places.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 4988-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DESIGNATING 301 CLEMATIS STREET, 300 BANYAN BLVD AND 161 NORTH OLIVE AVENUE AS A HISTORIC SITE ON THE WEST PALM BEACH REGISTER OF HISTORIC PLACES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 4988-21 on First Reading.

**Background Information:**

This application is for the designation of the structure at 301-307 Clematis Street, West Palm Beach, Florida, (formerly known as Hatch's Department Store) which is a three-story, square plan, commercial building and its associated land. The building rests on a concrete foundation, has a poured concrete frame, stucco walls, and a flat, asphalt roof. The building achieved its current Art Moderne expression in 1936 and 1940, when two earlier buildings were remodeled into this unified structure.

Hatch's Department Store gained its current form and architectural significance when it was expanded in 1936, an act that took unprecedented courage and vision during the Great Depression years. Hatch intended to transform his business in anticipation of economic recovery from the depression. The progressive attitudes of the owner guided him in selecting his architect, John L. Volk, who responded to the difficult times with a dramatically new architectural style applied with subtle economy. Volk's design introduced the modern aesthetic to commercial West Palm Beach. The newly remodeled store was the largest local building project since the boom-time era. Contractor for the remodeling was C.J. Trevail. The building was owned by Bernard H. Kroger, of Palm Beach and Cincinnati, founder of the Kroger chain of supermarkets, and leased for a long period of years to Hatch's, Inc. This expansion, the fifth since 1912, gave the store 40 percent more floor space and the ability to display more merchandise.



Kawneer show windows were installed on the ground floor, and Hope steel windows on the floors above. The remodeled store was considered to feature the latest advances in architecture and engineering. At the time it was the only department store in Florida, and the fourth in the entire southeast, to be completely equipped for year-round temperature and humidity control and air conditioning.

The structure has seen modifications over the years but not enough to lose its architectural integrity of the Art Moderne style. The structure was listed on the National Register of Historic Places in 1994.

The applicant is also seeking to redevelop this property and the parking to the north and is pursuing an Ad Valorem Tax Abatement via HPB Case 21-63.

On September 28, 2021 the Historic Preservation Board unanimously voted to recommend designation (7-0).

The subject site is located in Commission District 3: Commissioner Christy Fox.

- 10.3. Public Hearing of Resolution No. 17-22: Regarding a Major Amendment to the Palm Beach Atlantic University (PBAU) Community Service Planned Development (CSPD) to adopt a Signage Master Plan.

The above-referenced request is being made by Taylor Smythe, on behalf of Palm Beach Atlantic University, Inc.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 17-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE PALM BEACH ATLANTIC UNIVERSITY COMMUNITY SERVICE PLANNED DEVELOPMENT (CSPD), GENERALLY LOCATED BETWEEN SOUTH DIXIE HIGHWAY AND SOUTH FLAGLER DRIVE, SOUTH OF OKEECHOBEE BOULEVARD, TO ADOPT A SIGNAGE MASTER PLAN; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 17-22, approving a Major Amendment to the Palm Beach Atlantic University Community Service Planned Development to adopt a Signage Master Plan. 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 Information:**

(THE INFORMATION PROVIDED BELOW IS A GENERAL SUMMARY. A FULL ANALYSIS IS INCLUDED IN THE STAFF REPORT)

Located south of Okeechobee Boulevard, between South Dixie Highway and South Flagler Drive, Palm Beach Atlantic University (formerly Palm Beach Atlantic College) was founded in 1968 and housed in former facilities of First Baptist Church. One of the first Master Plans for the PBAU campus was approved in 1986, consisting of less than five (5) acres; the most recent Master Plan was approved in November 2020 with the adoption of Resolution No. 277-20 and now provides for a campus of over 19 acres. PBAU has grown to a student enrollment of over 2,200 traditional day students with additional evening adult students, master's students, online programs, etc., and to increase the amount of on-campus housing options, PBAU recently constructed a new eight (8) story dormitory on the northeast corner of Pembroke Place and South Dixie Highway.

In an effort to further the PBAU branding on campus, an application was recently submitted to the Planning Division to adopt a Signage Master Plan to incorporate additional branding opportunities throughout their campus. The proposed Signage Master Plan would allow for additional opportunities beyond that which is normally permitted in the Community Service zoning district, as outlined in Article XIII of the City's Zoning and Land Development Regulations (ZLDRs).

Nearly all of the signage proposed by the Signage Master Plan resides internally within the campus and would not be visible to the general public, and much of it could be installed currently using the standard sign regulations associated with the Community Service (CS) zoning district. The primary objective of the Signage Master Plan, and therefore the requested amendment, is to allow for the installation of banners throughout the campus.

It is Staff's professional opinion that the proposed Major Amendment and the adoption of the Signage Master Plan would allow PBAU to significantly enhance the branding of the internal areas of the campus while maintaining reasonable restrictions for those areas that are visible from outside the campus boundary. Staff believes that the request complies with the standards required by the City's Zoning and Land Development Regulations, and therefore is recommending approval of the Applicant's request, subject to the conditions contained in Resolution No. 17-22.

PLANNING BOARD: After a Public Hearing on November 16, 2021, the Planning Board recommended approval (7-0).

**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. 17-22 was also advertised in the Palm Beach Post on January 14, 2022.

COMMISSION DISTRICT 3: Commissioner Christy Fox.

- 10.4. Public Hearing of Resolution No. 9-22 regarding a request by Harvey E. Oyer, III, of Shutts & Bowen, LLP, on behalf of CityPlace Retail, LLC, for the approval of a Major Amendment to the CityPlace Commercial Planned Development to amend the Rosemary Square Core Development Regulations to expand the boundary of the Rosemary Square Core to include the "C" Block Garage; to create the Rosemary Square East and South Subareas; and to make text changes to other sections of the regulations. The new Rosemary Square East Subarea includes increasing the permitted height from 5 to 25 stories and the new Rosemary Square South Subarea includes increasing the permitted height from 5 to 8 stories.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION 9-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR PLANNED DEVELOPMENT AMENDMENT TO THE CITYPLACE COMMERCIAL PLANNED DEVELOPMENT TO AMEND THE ROSEMARY SQUARE CORE DEVELOPMENT REGULATIONS TO EXPAND THE BOUNDARY OF THE ROSEMARY SQUARE CORE TO INCLUDE THE "C" BLOCK GARAGE, TO CREATE THE ROSEMARY SQUARE EAST AND SOUTH SUBAREAS AND TO MAKE TEXT CHANGES TO OTHER SECTIONS OF THE ROSEMARY SQUARE CORE DEVELOPMENT REGULATIONS; DECLARING THIS RESOLUTION CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 9-22 regarding a Major Amendment to the CityPlace Commercial Planned Development to amend the Rosemary Square Core Development Regulations to expand the boundary of the Rosemary Square Core to include the "C" Block Garage; to create the Rosemary Square East and South Subareas; and to make text changes to other sections of the regulations. This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and the findings that the amendment is consistent with the Comprehensive Plan and complies with the standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

**Background Information:**

The Rosemary Square Core Development Regulations govern the mixed-use portion of the CityPlace Commercial Planned Development that is controlled by CityPlace Retail, LLC. CityPlace Retail, LLC, would like to amend the regulations to: 1) expand the boundary of the Rosemary Square Core to include the “C” Block Garage; 2) create the Rosemary Square East Subarea on the Brio, Improv, AMC theater block, including the “C” Block Garage; 3) create the Rosemary Square South Subarea where the Cheesecake Factory currently exists; and 4) to make miscellaneous text changes to other sections of the regulations.

The changes included as part of Resolution No. 9-22 do not approve a specific project. Any specific project based on the Rosemary Square Core Development Regulations will be reviewed as a Level III Site Plan Review. The Level III Site Plan Review will require Public Hearings before the Planning Board and City Commission.

*Inclusion of “C” Block Garage*

The original Regulating Plan was crafted when CityPlace Retail, LLC, leased what was then know as CityPlace from the City’s Community Redevelopment Agency (CRA). At the time, it was not anticipated that the garages would be developed as anything other than garages, so none of the four CityPlace garages were included within the Regulating Plan. Since the adoption of the original Regulating Plan, CityPlace Retail, LLC, has purchased the land that they previously leased from the CRA, including the “C” Block Garage. As part of the redevelopment of the entire “C” Block, which will be covered in the Rosemary Square East Subarea section below, the “C” Block Garage needs to be included on the Rosemary Square Regulating Plan.

*Create the Rosemary Square East Subarea*

The Rosemary Square East Subarea will encompass what is known as the “C” Block of Rosemary Square. The block is bounded by South Rosemary Avenue, Gardenia Street, the FEC Railroad and Hibiscus Street. The block contains Brio, Improv, the AMC theater, the “C” Block garage as well as other retail and restaurant uses and is currently designated as Rosemary Square Retail Corridor and Hibiscus Street East Subareas. The new Rosemary Square East Subarea will permit retail, restaurant, residential, cultural, cinemas, entertainment, office and hotel uses. The specific development regulations, to include the building height and setbacks, are included in the Rosemary Square East Subarea Building Envelope Table.

The proposed regulations will increase the permitted building heights from five to 25 stories and permit a Floor Area Ratio (FAR) of up to 6.5. The height and FAR are consistent with what may be built on the properties to

the north of the site as Quadrille Business District (QBD) 8-25 Transfer of Development Regulation Receiving Sites. In order to construct a building in excess of the existing five story allowance, the subarea regulations detail items that must be included as part of the redevelopment, such as Transportation Demand Management (TDM) strategies, Workforce Housing if residential is included, and sustainable building features. These requirements are consistent with requirements that are contained in the Rosemary Square Center and North Subareas as well as incentives included within the Downtown Master Plan.

The applicant has indicated that as part of the future redevelopment of the site, the existing "C" Block Garage will remain and possibly be expanded if needed to accommodate additional parking that may be required by the redevelopment. The regulations establish that there will be at least two separate buildings on the block which are separated by a 40-foot wide passageway running the length of the block between Gardenia and Hibiscus Streets that is anticipated to be in line with the existing plaza on the south side of Hibiscus Street.

The building setbacks are based on the QBD requirements and are generally consistent with the recent subarea approvals in Rosemary Square. The grade level of the building fronting South Rosemary Avenue is permitted to include an arcade, which would reference back to the current architectural frontage along South Rosemary Avenue. While the tower setbacks permit the towers to be constructed closer to South Rosemary Avenue, Hibiscus Street and Gardenia Street than the QBD normally would, staff worked with the applicant to include features to keep the proposed buildings from overwhelming the adjacent rights-of-way and the lower scale buildings on the south side of Hibiscus Street. An approximate 9,000 square foot plaza will be included at the intersection of South Rosemary Avenue and Hibiscus Street. For scale, this is larger than the open area between the Himmel Theater and Hibiscus Street. Additionally, there are limits as to how much of the tower can be built in line with the podium along Hibiscus and Gardenia Streets for the eastern building in order to keep the rights-of-way from having a solid wall for the full height of the building.

#### *Create the Rosemary Square South Subarea*

The Rosemary Square South Subarea will be located on the northern portion of the 701 South Rosemary Avenue block, specifically where the Cheesecake Factory is currently located. The future building within the subarea will have a frontage on South Rosemary Avenue, Hibiscus Street and the existing service alley. The new Rosemary Square East Subarea will permit retail, restaurant, residential, office and hotel uses. The specific development regulations, to include the building height and setbacks, are included in the Rosemary Square South Subarea Building Envelope Table.

The current Rosemary Square Retail Corridor Subarea regulations permit a five-story building built to the property lines. Staff presented their concerns to the applicant and the applicant agreed to lower the height of the building to eight-stories to comply with the QBD-8 height allowance. The 5.0 FAR is based on the current allowance that the five-story building could be built with no setbacks. In order to get the additional three stories of height, the building will need to include the TDM strategies and sustainability measures listed in the subarea regulations. The podium footprint will generally mirror the existing Cheesecake Factory, with the tower setting back along Hibiscus Street. The building is permitted to continue the arcade that runs the length of the block south of the Cheesecake Factory.

*Miscellaneous Text Changes*

The proposed amendments include some updates and corrections in sections of the Rosemary Square Core Development Regulations outside of the two new subareas. These changes include language clean-ups so that the Regulations are more concisely written and are consistent with terminology used within the Zoning and Land Development Regulations. Additionally, descriptions within some of the subarea have been refined to more accurately reflect what occurs in the other subareas.

**STANDARDS:** The Planning Division has determined that the Major Planned Development Amendment to the Rosemary Square Core Development Regulations meets all eight (8) of the required amendment standards found in Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations.

Compliance with the above referenced standards is detailed in the attached Planning Board Staff Report.

**PLANNING BOARD:** The Planning Board recommended approval (4-0) of the request to the City Commission after a Public Hearing on December 21, 2021.

**NOTICE:** Individual notices were mailed to all property owners within 500 feet of the the area covered by the Major Amendment. Signs for the Major Amendment were posted on the property on December 2, 2021.

**COMMISSION DISTRICT:** The subject property is located within Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

No fiscal impact.

## **11. COMMENTS FROM THE PUBLIC**

Public comments are limited to 3 (three) minutes. Anyone wishing to address the Commission should complete a "Comments by the Public" card and present it to the City Clerk prior to the Public Comments. When you are called to speak, please go to the podium and state your name and address for the record prior to addressing Commission. The Commission will not discuss the matter nor respond to the comment this evening. Comments made will become part of the record and may be addressed at a later date.

## **12. COMMENTS BY THE MAYOR AND CITY COMMISSIONERS**

## **13. 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 2.) written communications shall be placed in the record; and 3) site visits, investigations, etc. shall be disclosed.

NOTICE: If any person decides to appeal any decision made by the City Commission at this meeting, that person will need a record of the proceedings, and that, for such purposes, may need to ensure that a verbatim records of the proceedings be made, which record includes the testimony and evidence upon which the appeal is based. The City of West Palm Beach does not prepare or provide such record.