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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
PASS/FAIL Agenda
Monday, February 7, 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. PROCLAMATION-**PRESENTED**

- 6.1. Proclaiming February 11-17, 2022 as 2-1-1 Awareness Week. Proclamation to be accepted by Patrice Schroeder, 2-1-1 Helpline Community Relations Specialist.

Originating Department:
Mayor's Office

7. CONSENT CALENDAR-**ALL APPROVED**

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. Minutes of the Regular City Commission Meeting of January 10, 2022

Originating Department:
City Clerk's Office

- 7.2. Resolution No. 37-22 accepting a grant in the amount of \$5,000 from AAA Florida Traffic Safety Program for the purchase of DUI training equipment; and

Resolution No. 36-22(F) receiving and appropriating the funds.

Originating Department:
Police

Ordinance/Resolution:

RESOLUTION NO. 37-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A GRANT IN THE AMOUNT OF \$5,000 FROM AAA FLORIDA TRAFFIC SAFETY PROGRAM FOR THE PURCHASE OF DUI TRAINING EQUIPMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 36-22(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 GRANTS SPECIAL REVENUE FUND BUDGET TO RECOGNIZE RECEIPT OF FUNDS FROM AAA FLORIDA TRAFFIC SAFETY PROGRAM FOR THE PURCHASE OF DUI TRAINING EQUIPMENT AND TO PROVIDE APPROPRIATIONS FOR THE EXPENDITURES; PROVIDING AN EFFECTIVE; AND FOR OTHER PURPOSES.

Background Information:

The West Palm Beach Police Department, on behalf of the City, submitted an application to the American Automobile Association for funding for DUI training equipment under the AAA Florida Traffic Safety Program grant and the City has been awarded the grant and desires to accept the funding.

Resolution No. 37-22 accepts the grant funding of \$5,000.

Resolution No. 36-22(F) receives and appropriates the grant funds.

Fiscal Note:

Revenue - Donations - AAA Florida Traffic Safety Program 199-031302-000-366001-92330105.

- 7.3. Resolution No. 38-22 approving an interlocal agreement with the West Palm Beach Community Redevelopment Agency to partially fund the Mayor's Elementary Education Grant Program in the amount of \$8,000.

Originating Department:

Mayor's Office

Ordinance/Resolution:

RESOLUTION NO. 38-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT WITH THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY FOR THE FUNDING OF THE MAYOR'S ELEMENTARY EDUCATION GRANT PROGRAM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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. UB Kinsey and Pleasant City Elementary are both located in CRA Districts.

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 the approval of an interlocal agreement which will be brought to the CRA and Commission for approval.

Approval of Resolution No. 23-22 funds the \$8,000 for the Mayor's Elementary Education Grant Program which will support the schools in the CRA Districts and cover administrative costs.

Fiscal Note:

Funding has been budgeted in Fiscal Year 21-22 for \$25,000 from the City and \$8,000 from the CRA.

8. RESOLUTIONS-8.1, 8.2 & 8.4 APPROVED; 8.3 CONTINUED

- 8.1. Resolution No. 20-22 adopting an update to the Floodplain Management Plan, the Repetitive Loss Area Analysis, and the FEMA Program for Public Information.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 20-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ADOPTING AN UPDATE TO THE FLOODPLAIN MANAGEMENT PLAN, THE REPETITIVE LOSS AREA ANALYSIS, AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY PROGRAM FOR PUBLIC INFORMATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 20-22.

Background Information:

The Floodplain Management Plan is a requirement for Community Rating System (CRS) communities with 10 or more repetitive loss properties. The City of West Palm Beach has 27 Repetitive Loss Properties identified by FEMA. Repetitive loss properties are those properties for which two (2) or more claims of more than \$1,000 have been paid by the National Flood Insurance Program (NFIP) within any 10-year period since 1978.

The original Floodplain Management Plan (FMP) was adopted by Resolution on September 25, 2006. The FMP was subsequently updated by Resolution on October 24, 2016. Under the auspices of the recent

Stormwater Master Plan Update, additional studies were done to specifically support and enhance the Floodplain Management Plan and the results of those additional studies have been incorporated into the FMP Update.

One of the additional studies is the 2021 Repetitive Loss Area Analysis (RLAA). The 2021 Repetitive Loss Area Analysis (RLAA) was conducted according to FEMA guidelines and will contribute significantly to planned Flood Mitigation projects to reduce flood hazards in those areas.

The City of West Palm Beach currently has a Class 5 CRS rating which entitles properties in Special Flood Hazard Areas (SFHA) to qualify for a 25% discount on flood insurance. The FMP and the Repetitive Loss Area Analysis will help the city improve its CRS Class rating and increase the discount for flood insurance in the SFHAs.

In support of that effort to improve the City's CRS Class Rating, the City of West Palm Beach has developed a comprehensive outreach program over the years to educate the community concerning matters pertaining to floodplain management and to highlight its importance to the community. This outreach has included active participation with other communities within Palm Beach County and input from community stakeholders. In 2015, the City of West Palm Beach established the City Watersheds Committee, which serves as a Program for Public Information (PPI) Committee, composed of both key stakeholders and key staff members. The PPI is a formal and ongoing program to provide information to City residents related to flood insurance and flood hazards as well as many other topics to promote the health and safety of City residents and property.

The FEMA CRS program requires that a participating community adopt by Resolution the Floodplain Management Plan (FMP), the Repetitive Loss Area Analysis (RLAA) and the Program for Public Information (PPI).

Fiscal Note:

No fiscal impact.

- 8.2. Resolution No. 21-22 approving a Local Agency Program Agreement with the Florida Department of Transportation for the construction of the Northmore Elementary Sidewalks Project in the amount of \$2,198,670; and

Resolution No. 25-22(F) providing the funding.

Originating Department:

Engineering

Ordinance/Resolution:

RESOLUTION NO. 21-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A

LOCAL AGENCY PROGRAM AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF WEST PALM BEACH PROVIDING \$590,151.00 IN FUNDING FOR THE CONSTRUCTION OF ADA IMPROVEMENTS AND SIDEWALKS AT THE NORTHWOOD HILLS NEIGHBORHOOD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 25-22 (F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF 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 ONE-CENT SALES TAX CAPITAL IMPROVEMENTS AND GRANT CAPITAL PROJECT FUND BUDGETS TO PROVIDE FOR THE RECEIPT OF A STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION LOCAL AGENCY PROGRAM (LAP) GRANT, MATCHING FUNDS, AND APPROPRIATIONS FOR THE NORTHMORE ELEMENTARY SIDEWALKS PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 21-22 and Resolution No. 25-22(F).

Background Information:

Most of the east/west neighborhood roads at the Northwood Hills neighborhood do not have any sidewalks or ADA compliant ramps. Each day over 150 students that attend the Northmore Elementary School walk home along the streets of the neighborhood with very little space between them and cars.

In 2017, the City of West Palm Beach applied for a Transportation Alternatives (TA) Grant with the Palm Beach Metropolitan Planning Organization (MPO) under Resolution No. 116-17 for the construction of sidewalk improvements and a multi-use trail in the Northwood Hills Neighborhood. The MPO awarded the grant to the City and included it on the Priority Project list for years 2019 to 2023. The TA grants are Federal Highway Administration funds distributed through FDOT and through the Palm Beach MPO.

The proposed project includes the following components:

1. Construction of Sidewalks and Ramps to achieve compliance with the Americans with Disabilities Act (ADA) of 1990.

The project will include the construction of ADA compliant ramps and sidewalks along 44th St, 43rd St, 42nd St, 41st St and 39th Ct from Windsor Ave to Greenwood Ave. These improvements will provide a safe walking area for students, residents and visitors.

2. Construction of Multi-Use Trail

The project includes the construction of a multi-use trail at N Terrace Dr from 44th St to 39th Ct that will provide a safe walking and biking area separated from the roadway.

3. Construction of Enhanced Crosswalks

The scope of work includes the construction of pedestrian crosswalks with appropriate striping along many of the intersections. These enhanced pedestrian crossings will help funnel pedestrians towards these demarcated crossings. It will also make the pedestrians crossing at these intersections more visible to the cars traversing the corridor and will therefore increase pedestrian safety.

4. School Zone Upgrades

The project will include upgrades to the Northmore Elementary School Zone. The upgrades include the installation of solar school zone flashers and new school zone striping per the recent revision to the school zone standards.

5. Milling and Resurfacing

The scope of work includes the milling and resurfacing of 44th St, 43rd St, 42nd St, 41st St and 39th Ct from Windsor Ave to Greenwood Ave in addition to Windsor Ave, N Terrace Dr and Greenwood Ave from 39th Ct to 45th St.

Fiscal Note:

\$590,151 funded by FDOT. \$1,608,519 funded by City.

- 8.3. Resolution No. 29-22 approving the change to the face of the City for the proposed design concept and infrastructure improvements for North Railroad Avenue Streetscape between 7th Street and 10th Street. The total cost of the project is estimated at \$17,590,723 and partially funded by the CRA. No city funds are involved in this project.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 29-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA , APPROVING THE PROPOSED DESIGN CONCEPT AND INFRASTRUCTURE IMPROVEMENTS FOR THE NORTH RAILROAD AVENUE STREETScape BETWEEN 7TH STREET AND 10TH STREET, INCLUDING TRAVEL LANE RECONFIGURATIONS, LANDSCAPE ENHANCEMENTS, AND PEDESTRIAN IMPROVEMENTS ; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 29-22.

Background Information:

As part of the greater 'NoRA Redevelopment Strategy' and in collaboration with the City's Community Redevelopment Agency (CRA), NDT Development embarked on an ambitious catalyst project to fully renovate the public space along North Railroad Avenue from 7th Street to 10th Street. As of December 13, 2021, the City's CRA has negotiated an agreement with the developers to support a Tax Incremental Financing (TIF) Incentive and a Real Estate Developer Accelerator Program (REDA) Incentive dependent on the completion of the streetscape and infrastructure improvements to the North Railroad Avenue Corridor. The total cost of the project is estimated at \$17,590,723. The REDA will cover \$3,500,000 and the TIF is authorized for a maximum of \$11,500,000.

The North Railroad Streetscape improvements to be implemented as part of the CRA's agreement involves general infrastructure improvements on North Railroad Avenue from 7th Street up to 11th Street including the installation of new: water distribution lines, sanitary sewer lines, storm water drainage, and electrical power lines.

With regard to the surface level improvements from 7th Street to 10th Street, the new streetscape includes: a curbless street design, reduction in travel-lane width, increased sidewalk width, introduction of new hardscape materials, planting of street trees, additional streetscape furnishings, implementation of landscape beds, street lighting, and the installation of bicycle/micro-mobility infrastructure.

Additionally as part of the CRA agreement, the developer shall, at their own expense, be responsible for the project's overall good condition and maintenance of all "streetscape" elements (walking surfaces, landscaping, furniture, bollards, and other above-ground improvements within the 14 foot pedestrian and landscaping spaces along the right-of-way.) These components shall be in compliance with all applicable statutes, codes, regulations, and ordinances.

Resolution No. 29-22 approves the plans for the above-ground streetscape improvements presented to the Commission for the NoRA District which will be constructed, installed and maintained by the Developer.

Fiscal Note:

No fiscal impact.

- 8.4. Resolution No. 34-22 requesting Face of the City approval of the design for the Phipps Park Bill Moss Baseball Complex concession building and restroom facility improvements.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 34-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE DESIGN FEATURES PRESENTED TO THE CITY COMMISSION FOR THE PROPOSED CONCESSION BUILDING AND RESTROOM FACILITY AT PHIPPS PARK; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 34-22.

Background Information:

On March 17, 2020, the voters approved the Parks Bond Referendum allowing the City to issue bonds in an amount not to exceed \$30 million for the purpose of upgrading a number of the City's park amenities. The Parks Bond funding allows the City to execute large-scale upgrades and enhancements to its parks. These include new playgrounds, walking and exercise trails, outdoor fitness equipment, athletic spaces, increased lighting, shade structures, renovated restrooms, community center improvements and ADA accessibility improvements.

On July 13, 2020, through the adoption of Resolution No. 197-20, the City Commission authorized the issuance of not to exceed \$30,000,000 in aggregate principal amount of City of West Palm Beach General Obligation Bonds, Series 2020, for the improvement of City parks and recreational facilities.

The Phipps Park Bill Moss Baseball Complex concession building and restroom facility are improvements which were specified on the parks bond project list. Design meetings have been held with Phipps Park Baseball, Inc. board members and City staff to develop the design of the new facilities. The project is budgeted at \$1.3 Million for design, permitting and construction.

Resolution No. 34-22 provides Face of the City approval of the design for the Phipps Park Bill Moss Baseball Complex concession building and restroom facility.

Commission District 5: Commissioner Christina Lambert.

Fiscal Note:

Funds allocated by Resolution No.197-20 Parks General Obligation Bonds.

9. PUBLIC HEARING-ALL APPROVED

- 9.1. Public Hearing and Second 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. 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 text 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:

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 Team. 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/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.

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.

- 9.2. Public Hearing and First Reading of Ordinance No. 4989-22 approving donation of certain property in the downtown to the University of Florida for development of an urban campus.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

ORDINANCE NO. 4989-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE DONATION OF CERTAIN PROPERTY LOCATED IN DOWNTOWN WEST PALM BEACH TO THE UNIVERSITY OF FLORIDA FOUNDATION, INC., TO BE USED FOR AN URBAN CAMPUS; AUTHORIZING EXECUTION OF AN AGREEMENT FOR CONVEYANCE AND DEVELOPMENT OF REAL PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 4989-22 on First Reading.

The Ordinance must be approved by 4/5 of the Commission at either First or Second Reading as required by Sec. 2-31(27) of the Code.

Background Information:

The City of West Palm Beach owns seven parcels of real property known as 386 So. Tamarind Avenue, 810, 818, 826, 860 and 910 Evernia Street, and 913 Fern Street (the "Property"). The Property was obtained by the City from Palm Beach County as a land exchange for the property for the Ball Park of the Palm Beaches. The City has not utilized the Property for any municipal purposes.

The University of Florida Foundation, Inc., wishes to develop a new campus within the City of West Palm Beach utilizing the City Property along with land currently owned by Palm Beach County and private parties. Such urban campus will contain facilities and improvements to support the mission of the University of Florida, including, graduate, post-graduate, professional and executive education programs, courses and certificates; internships; clinical uses; and research, and which may also include, without limitation, incidental facilities, improvements and uses, such as administrative offices, food service facilities, bookstores, indoor and outdoor athletic and recreation facilities, open space and other public and private uses that are complementary to the campus which may include housing, civic space, office space and other commercial uses. The University anticipates that such urban campus will be developed over time, in phases.

This new University of Florida campus will provide unique educational opportunities to residents of the City, will be a benefit to the general welfare of the City, and serves a public purpose.

By Resolution No. 235-21, the City Commission determined that the Property was not needed for City purposes, declared the Property surplus, and authorized the disposition through formal negotiations with the University of Florida Foundation, Inc.

Ordinance No. 4989-22 will approve donation of the Property to the University of Florida Foundation, Inc., by Special Warranty Deed, which shall include the following provisions:

1. A use restriction, which shall run with the land, limiting use of the Property to use as an urban campus, which includes, without limitation, use for graduate, post-graduate, professional and executive education programs, courses and certificates; internships; clinical uses; and research, and which may also include incidental facilities, improvements and uses, such as administrative offices, food service facilities, bookstores, indoor and outdoor athletic and recreation facilities, open space.

2. A reverter clause which provides that in the event that the University of Florida does not obtain a building permit, enter into a construction contract with a general contractor for construction of a portion of the urban campus, and commence vertical construction within five (5) years from the date of the deed, subject to force majeure, title to the Property shall automatically revert back to the City of West Palm Beach.
3. A restraint on alienation clause which will prohibit the University from selling or transferring the Property to a third party without the City's consent.

The University will have approximately 30 months to satisfy all conditions to close the sale and an additional five years to commence vertical construction.

In the event that after 10 years, the University determines that it will not complete the full master plan and will not construct on a portion of the City property, the University will return the undeveloped property to the City, if the City desires the return.

Ordinance No. 4989-22 will also authorize the deed to include a waiver of any interest the City of West Palm Beach may have in the phosphate, minerals, and metals that are or may be in, on or under the Property and any interest in petroleum that is or may be in, on or under the Property, that the City may have pursuant to Section 270.11, Florida Statutes.

By Ordinance No. 4989-22, the City Commission also acknowledges that the University of Florida intends to request that the City abandon the alleys which run through the Property and contain City and FPL utilities. The City Commission hereby agrees to abandon said alley(s), provided that: 1) FPL consents; and 2) either: (a) the City utility facilities within the alleys can be relocated at no cost to the City to a location acceptable to the City; or (b) the City retains utility easements for the utility facilities in their current location.

Pursuant to Section 2-31(27)(c) of the Code of Ordinances, appraisal of the Properties are not required when the conveyance will be to another government agency.

This Ordinance must be approved by 4/5 of the membership of the City Commission at either First or Second Reading.

Fiscal Note:

No fiscal expense. Donation of real property.

10. PUBLIC HEARING - QUASI-JUDICIAL-10.1 APPROVED; 10.2 CONTINUED

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

10.1. Public Hearing and Second Reading of Ordinance No. 4984-21 amending the Downtown Master Plan Element of the Comprehensive Plan creating the new NoRA district;

Public Hearing and Second Reading of Ordinance No. 4985-21 amending the Downtown Master Plan Zoning Atlas to delineate the boundaries of the new NoRA District; and

Public Hearing and Second Reading of Ordinance No. 4986-21 amending the Chapter 94 Article IV Downtown Master Plan regulations establishing regulations for the new NoRA District.

Originating Department:
Development Services

Ordinance/Resolution:

ORDINANCE NO. 4984-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN AT THE DOWNTOWN MASTER PLAN ELEMENT POLICY 1.1.1, POLICY 2.3.2, AND POLICY 3.1.3 TO PROMOTE THE REDEVELOPMENT OF THE AREA BETWEEN QUADRILLE BOULEVARD, NORTH DIXIE HIGHWAY, PALM BEACH LAKES BOULEVARD, AND THE FEC RAILROAD, CREATING THE NEW NORTH RAILROAD AVENUE DISTRICT (NORA), REMOVING THE EXISTING INDUSTRIAL CHIC DISTRICT, MODIFYING THE EXISTING BRELSFORD PARK DISTRICT, DESIGNATING ADDITIONAL INCENTIVE AREAS WHICH ALLOW ADDITIONAL HEIGHT AND DEVELOPMENT CAPACITY WITHIN THE NORTH RAILROAD AVENUE DISTRICT, AND DESIGNATING TWO PROPERTIES AS URBAN OPEN SPACE; DECLARING THE PROPOSED AMENDMENTS TO BE CONSISTENT WITH ALL OTHER ELEMENTS OF THE COMPREHENSIVE PLAN; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4985-21:AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE DOWNTOWN "ZONING ATLAS" TO CREATE THE NORTH RAILROAD AVENUE (NORA) DISTRICT AND SUBDISTRICTS, GENERALLY LOCATED BETWEEN QUADRILLE BOULEVARD, NORTH DIXIE HIGHWAY, PALM BEACH LAKES BOULEVARD, AND THE FEC RAILROAD; REZONING CERTAIN PROPERTIES AS NORA-2 AND NORA-5; REZONING TWO PROPERTIES AS URBAN OPEN SPACE; AND SPECIFYING THE STREET CLASSIFICATIONS WITHIN THE NORA

DISTRICT; DECLARING THESE PROPOSED ZONING MAP AMENDMENTS TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4986-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES AT CHAPTER 94 - ZONING AND LAND DEVELOPMENT REGULATIONS, ARTICLE IV – DOWNTOWN MASTER PLAN URBAN REGULATIONS, TO PROVIDE REGULATIONS FOR THE NORTH RAILROAD AVENUE DISTRICT AND THE BRELSFORD PARK DISTRICT; SPECIFICALLY AMENDING THE FOLLOWING SECTIONS, FIGURES, AND TABLES: SECTION 94-102 ORGANIZATION OF THE URBAN REGULATIONS, SECTION 94-105 USE REQUIREMENTS, TABLE IV-2 PERMITTED USE TABLE FOR DMP, TABLE IV-3 PERMITTED USE TABLE FOR DMP, SECTION 94-109 - DEFINITIONS AND MINIMUM REQUIREMENTS, TABLE IV-6: OPEN SPACE TYPES BY SUBDISTRICT, SECTION 94-111 - PARKING AND LOADING REQUIREMENTS, TABLE IV-9 PARKING REQUIREMENTS, TABLE IV-11 CURB CUTS AND PASSENGER LOADING AND DROP-OFF STANDARDS, SECTION 94-121 – SPECIAL DISTRICTS PLANNING AREA, SECTION 94-124 – NORTH RAILROAD AVENUE DISTRICT, TABLE IV-28 BUILDING REQUIREMENTS – NORA-5, TABLE IV-29 BUILDING REQUIREMENTS – NORA-2, SECTION 94-125 – LOFTIN DISTRICT (LD), SECTION 94-127 – BRELSFORD PARK DISTRICT (BPD), TABLE IV-34 – BUILDING REQUIREMENTS – BPD-5, TABLE IV-35 BUILDING REQUIREMENTS – BPD-R, SECTION 94-131 – INCENTIVE PROGRAMS – GENERAL, SECTION 94-132 – TRANSFER OF DEVELOPMENT RIGHTS PROGRAM, SECTION 94-133 - SPECIAL DISTRICT INCENTIVES, FIGURE IV-35 TDR SENDING AND RECEIVING SITES, SECTION 94-135 – OKEECHOBEE BUSINESS DISTRICT (OBD), SECTION 94-273 EXTRA REQUIREMENTS FOR SPECIAL USES OR PERMITTED USES, AND ANY OTHER SECTIONS WITHIN ARTICLE IV - DOWNTOWN MASTER PLAN URBAN REGULATIONS NECESSARY TO ESTABLISH THE NORTH RAILROAD AVENUE DISTRICT; 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. 4984-21 amending the Downtown Master Plan Element of the Comprehensive Plan, replacing the Industrial Chic District (ICD) with the newly established North Railroad Avenue (NoRA) District , modifying portions of the Brelsford Park District (BPD-R & BPD-5), and allowing for increased height and development capacity in newly designated TDR incentive areas of the NoRA District. This motion is based on the factual testimony presented, the staff report, the

recommendation of the Planning Board, and the finding the amendment is consistent with the Comprehensive Plan.

Approve Ordinance No. 4985-21 amending the DMP Zoning Atlas to create the NoRA district. This motion is based upon 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 of the City's Zoning and Land Development Regulations.

Approve Ordinance No. 4986-21 amending the DMP Urban Regulations to include the necessary regulations for the new NoRA district. This motion is based upon 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 of the City's Zoning and Land Development Regulations.

Background Information:

Currently located within the northern portion of the Downtown Master Plan (DMP) area is the intersection of two uniquely distinct districts of the City. The areas are currently designated as the Residential Enclave of Brelsford Park (BPD-5 & BPD-R zoning) and the Special District known as Industrial Chic (ICD-2 and ICD-5). These districts were established in 2009 and shared similar goals in promoting a vibrant and mixed-use neighborhood. The districts in question are generally bounded by the FEC railway corridor to the west, Palm Beach Lakes Boulevard to the north, North Quadrille Boulevard to the south, and North Dixie Avenue to the east, including some of the properties on the east side of Dixie Highway.

Despite the area's strategic location between the intensely urbanized Downtown to the south and the large employment hub of the Good Samaritan Hospital to the north, the area has seen limited investment and the intended development has not materialized. While the downtown core has seen unprecedented redevelopment in the last 15 years, the Brelsford Park and Industrial Chic districts have received very minimal investment, if any. A detailed account of the uses in the area reflect that 38.6% of the district land is vacant, and a large number of structures are boarded-up.

Recognizing that the adequate redevelopment of the existing vacant parcels at the edges of the neighborhood is fundamental for the overall revitalization and economic vibrancy of the area, the City initiated a request for an amendment to the Downtown Master Plan (DMP) Element of the Comprehensive Plan, a text amendment to the DMP ZLDRs and a rezoning process to formally establish a new district, called North Railroad Avenue District - NoRA, and promote alternative, yet spatially compatible development opportunities. The new vision for the neighborhood will include increased development capacity (through the transfer of

development rights), enhanced public spaces, and more opportunities for a mix of land uses.

Over the last two years, the City has been working with NDT Development, Place Project and Plusurbia, an urban design consulting firm, on the study of the redevelopment potential for the vacant and underutilized lands within the area. Detailed analysis of the development capacity under current and proposed regulations has been conducted to evaluate the impact of future development. The proposed changes are the result of such analysis and intend to promote the redevelopment of the area with an appropriate scale and mix of uses, which are compatible with the surrounding context of the downtown, hospital, residential core, and the North Dixie Highway corridor.

The goal of the proposed changes is to rezone a portion of the neighborhood bounded by the FEC railway corridor to the west, Palm Beach Lakes Boulevard to the north, North Quadrille Boulevard to the south, and North Dixie Highway to the east as the new NoRA district and establish the regulations for the new district. The proposed regulations will better guide the future development and ensure compatible and contextually sensitive revitalization of the area.

The proposed amendments are divided into three ordinances:

1. Comprehensive plan amendments: Ordinance No. 4984-21 approved on First Reading by the City Commission on November 29, 2021 and a letter with "No comment" from the Department of Economic Opportunity was received by the City on January 12, 2022.
2. Changes to the DMP Zoning Atlas: Ordinance No.4985-21, approved on First Reading by the City Commission on January 10, 2022, includes the designation of the new NoRA district and Subdistricts, and new street classification for the area. The City is also proposing the rezoning of two parcels as Urban Open Spaces to allow the future transfer of development rights from such parcels.
3. Changes to the Article IV-Downtown Master Plan Urban Regulations of the ZLDRs: Ordinance No. 4986-21, approved on First Reading by the City Commission on January 10, 2022 , includes the description of the new NoRA district and the designation of new TDR receiving sites within the NoRA district increasing the maximum development capacity and height within certain areas of the district. The proposed regulations also include the creation of new TDR sending sites within the district.

Community Input:

1. September 16, 2020: Community meeting to discuss initial amendments
2. February 1, 2021: City Commission work session
3. September 30, 2021: Community meeting (The majority of current residents attended)
4. October 13, 2021: DAC Public hearing for Comprehensive plan changes
5. October 19, 2021: Planning Board Public Hearing for Comprehensive plan changes
6. November 10, 2021: DAC Public Hearing for Zoning Code amendments and rezoning
7. November 16, 2021: Planning Board Public Hearing for Zoning Code amendments and rezoning
8. November 22, 2021: Northwest Neighborhood meeting
9. November 29, 2021: City Commission Public Hearing for Comprehensive plan changes

Notifications of all Public Hearings was sent to all affected property owners and 500 feet around. Notification of the proposed amendments was sent to adjacent neighborhood associations.

The proposed amendments to the DMP Element of the Comprehensive Plan were approved by the Downtown Action Committee (4-0) on October 13, 2021, and also approved by the Planning Board (5-1) on October 19, 2021.

The proposed amendments to the DMP Zoning Atlas and the DMP ZLDRs were approved by the Downtown Action Committee (6-0) on November 10, 2021 and also approved by the Planning Board (7-0) on November 16, 2021.

COMMISSION DISTRICT: Proposed amendments are included within Commission District 3: Commissioner Christy Fox.

- 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:

THIS ITEM TO BE CONTINUED TO THE AUGUST 8, 2022 CITY COMMISSION MEETING.

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.

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.