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

City Administrator Faye W. Johnson
City Attorney Kimberly Rothenburg
Deputy City Clerk Jacqueline Mobley

**City of West Palm Beach
City Commission
DRAFT Agenda
Monday, July 11, 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. 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.

6.1. Minutes of the Regular City Commission Meeting of June 13, 2022

Originating Department:

Mayor's Office

6.2. Resolution No. 168-22 for the execution of a Utility Work by Highway Contractor Agreement between the State of Florida Department of Transportation (FDOT) and the City of West Palm Beach (City) for the City Utility Work in conjunction with State Road No. 5/US-1 Dixie Highway Milling & Resurfacing (North Quadrille Boulevard to Palm Beach Lakes Boulevard); and

Resolution No. 172-22(F) appropriating funding in the amount of \$200,000 from Water and Sewer Operating Contingency for Water Distribution and Sanitary Collections Utility Relocation Project No. 91990952.

Originating Department:

Public Utilities

Ordinance/Resolution:

RESOLUTION NO. 168-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A UTILITY WORK BY HIGHWAY CONTRACTOR AGREEMENT (UWHCA) 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. 5/US-1 DIXIE HIGHWAY FROM NORTH QUADRILLE BOULEVARD TO PALM BEACH LAKES BOULEVARD, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 172-22(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 AMENDING THE WATER AND SEWAGE SYSTEM REVENUE FUND BUDGET TO PROVIDE APPROPRIATION OF FUNDS FOR UTILITY RELOCATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

In March 2023, the Florida Department of Transportation (FDOT) will be soliciting bids for the improvements of State Road No. 5/US-1 Dixie Highway from North Quadrille Boulevard to Palm Beach Lakes Boulevard ("FDOT Project"). The FDOT Project involves milling and resurfacing, American Act Development (ADA) Improvements, and incidental sidewalk replacement. Within the 2300-ft length FDOT Project corridor, incidental improvements of City's existing utilities will be required (Utility Work). The Utility Work involves adjustment of water valve boxes and sanitary sewer

manhole lids to roadway's finished grade. The construction by FDOT is anticipated to begin in June/July 2023 for a duration of twelve (12) months.

FDOT and the City have determined that it is in the best interest of the public and to the economic advantage for both parties to enter into a Utility Work by Highway Contractor Agreement (UWHCA) 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 \$31,360 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. 168-22 approves the Utility Work by Highway Contractor Agreement with FDOT for the City's incidental utility relocation within State Road No. 5/US-1 Dixie Highway Project, from North Quadrille Boulevard to Palm Beach Lakes Boulevard.

Resolution No. 172-22(F) provides a total appropriation of \$200,000 for utility relocation: \$100,000 each for relocation of water distribution and sanitary collection infrastructure.

COMMISSION DISTRICT: This project is located in Commission District 3: Commissioner Christy Fox.

Fiscal Note:

Post approval, Water and Sewer Operating Contingency will have a balance of approximately \$800,000.

- 6.3. Resolution No. 171-22 authorizing the Mayor to execute a release of code enforcement liens encumbering 2361 Oak Tree Lane.

Originating Department:

Code Enforcement

Ordinance/Resolution:

RESOLUTION NO. 171-22: A RESOLUTION OF THE CITY COMMISSION OF CITY OF WEST PALM BEACH, FLORIDA, CONDITIONALLY WAIVING CITY LIENS; AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A RELEASE OF CODE ENFORCEMENT LIENS ENCUMBERING CERTAIN REAL PROPERTY LOCATED AT 2361 OAK TREE LANE, WEST PALM BEACH, FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

Background Information:

The owner of 2361 Oak Tree Lane was cited for code violations on the property, including violations involving roof, walls, foundation, and unsanitary conditions. As a result of the failure to repair the property, a fine

has accrued to approximately \$29,000. Palm Beach County has offered the owner assistance of up to \$75,000 to rehabilitate his residence through its Owner Occupied Rehabilitation Program. The funds will enable the owner to replace his roof and complete other necessary repairs. However, the County will not provide the funds without a conditional release of the City's lien. This resolution would allow the release of the \$29,000 fine/lien if certain conditions are met, including payment of a \$500 administrative fine, payment of any outstanding utility liens or taxes, and completion of the property rehabilitation by July 11, 2023. The \$500 administrative fine is lower than a typical fine but may be justified in that the owner is a disabled veteran of limited financial means who otherwise would be unable to repair his home. The rehabilitation of the property will eliminate unpleasant conditions and improve the area.

Commission District 2: Commissioner Shalonda Warren.

Fiscal Note:

No fiscal impact.

- 6.4. Resolution No. 186-22 setting the proposed Fire Service Assessment rate for 2022, directing an update to the assessment roll, and setting the date for a public hearing on August 22, 2022.

Originating Department:

Finance

Ordinance/Resolution:

RESOLUTION NO. 186-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DETERMINING THE FIRE SERVICE ASSESSED COSTS AND THE SERVICES, FACILITIES OR PROGRAMS TO BE PROVIDED; ESTABLISHING THE ESTIMATED RATES FOR THE FIRE SERVICE SPECIAL ASSESSMENT FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2022; DIRECTING THE PREPARATION OF A PRELIMINARY ASSESSMENT ROLL; SETTING THE DATE AND TIME OF A PUBLIC HEARING; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

Fire suppression, prevention, and other fire services provide a special benefit to properties by protecting the value and integrity of improvements to real property and protecting the use and enjoyment of such property. The availability of comprehensive fire services reduces the cost of fire insurance and enhances the market perception and property values. In 2008, the City Commission adopted Ordinance No. 4141-08, Resolution No. 212-08, and Resolution No. 332-08, establishing an annual recurring Fire Services special assessment program for properties within the City, to fund the assessable costs of providing fire services, excluding Emergency Medical Services (EMS). In 2019, the City Commission adopted

Resolution No. 228-19 and amended the apportionment methodology for the Fire Service Special Assessment.

Pursuant to the procedure established in Ordinance No. 4141-08, the City Commission annually passes a preliminary rate resolution describing the services, facilities, or programs to be funded, determining the cost to be assessed, establishing the assessment rates, establishing any exemptions, and following all procedural requirements required by law and Ordinance No. 4141-08.

Resolution No. 186-22 is the Preliminary Rate Resolution and proposes no increase of the Fire Service Assessment rates.

The proposed Fire Service Assessment rate for 2022/2023 is, as follows:

RESIDENTIAL \$100

NON-RESIDENTIAL PROPERTY

Rate Per Building Square Foot

Commercial	\$0.103
Industrial/Warehouse	\$0.018
Institutional	\$0.123
Nursing Home	\$0.372

The special assessment will be collected by the County Tax Collector through the property tax bill.

A public hearing on the assessment rates will be scheduled for August 22, 2022.

Resolution No. 186-22: (1) determines that the Fire Service Assessed Cost to be assessed for the upcoming Fiscal Year 2022/23 is approximately \$8 million; (2) establishes the assessment rate for the upcoming Fiscal Year as shown above; (3) sets the date for the public hearing; and (4) directs the Chief Financial Officer to update the Assessment Roll and provide notice by first class mail and directs the City Clerk to provide notice by publication.

Fiscal Note:

Reaffirming the existing Fire Assessment Rates for FY 22/23.

- 6.5. Resolution No. 187-22 directing the development of the preliminary assessment roll for the Chronic Nuisance Assessments for 2022 and setting the date for a public hearing for final adoption of the Chronic Nuisance Assessment roll on August 22, 2022.

Originating Department:

Finance

Ordinance/Resolution:

RESOLUTION NO. 187-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DIRECTING THE DEVELOPMENT OF A PRELIMINARY ASSESSMENT ROLL FOR THOSE NON-AD VALOREM ASSESSMENTS WHICH MAY BE LEVIED FOR THE COST OF PROVIDING LOT MOWING AND DEBRIS REMOVAL SERVICES, BOARDING AND SECURING OF VACANT OR UNSAFE STRUCTURES, DEMOLITION AND REMOVAL OF UNSAFE STRUCTURES, CALLS FOR SERVICE AND INSPECTIONS TO ELIMINATE NUISANCE CONDITIONS ON PRIVATE REAL PROPERTY, AND OTHER PROPERTY MAINTENANCE SERVICES TO ELIMINATE NUISANCE CONDITIONS ON PRIVATE REAL PROPERTY WITHIN THE INCORPORATED AREA OF THE CITY AND WHICH REMAINED DELINQUENT AND UNPAID; ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

September 2011, the City of West Palm Beach adopted a series of Ordinances intended to change the way the City deals with chronic nuisance properties and chronic nuisances in general. These ordinances were intended to recognize that the work that City staff provides to chronic nuisance properties is of direct benefit to the affected property. Through the adoption of Ordinance Nos. 4350-11, 4361-11, and 4362-11, the City Commission declared that any unpaid chronic nuisance service charges, unpaid Code Enforcement re-inspection assessment charges, or unpaid costs incurred for the abatement of code violations that remained delinquent and unpaid should become a special assessment against these properties as a non-ad valorem assessment equal in rank and dignity to a lien for ad valorem taxes.

Pursuant to Section 54-422 of the City Code of Ordinances, the Finance Director must prepare an initial assessment roll of the proposed assessments, which are unpaid as of June 1st.

Approval of Resolution No. 187-22 will schedule the public hearing for final adoption of the Chronic Nuisance Assessment roll on August 22, 2022.

Fiscal Note:

No fiscal impact, since revenues generated from the Chronic Nuisance Program is a reimbursement of expenditures incurred by the City to abate the nuisance.

7. RESOLUTIONS

- 7.1. Resolution No. 176-22 ratifying the submittal of a grant application to the Florida Division of Emergency Management requesting funding for the development of a Watershed Master Plan to meet CRS Class 4 requirements.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 176-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RATIFYING THE SUBMITTAL OF A GRANT APPLICATION TO THE FLORIDA DIVISION OF EMERGENCY MANAGEMENT REQUESTING FUNDING FOR THE DEVELOPMENT OF A WATERSHED MASTER PLAN TO MEET CRS CLASS 4 REQUIREMENTS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 176-22.

Background Information:

The City of West Palm Beach (City) participates in the FEMA CRS program and currently has a rating of Class 5 and has the points to move up to a Class 4.

Once awarded the points for a CRS Compliant Watershed Masterplan, the City will have enough points to qualify for a CRS Class 3. However, the CRS program has certain prerequisites that must be met before a community can be eligible for Class 4 or lower.

The primary CRS deficit for the City is the lack of credit for a Watershed Management Plan (WMP) under CRS Activity 450 Stormwater Management. In order to become eligible for an improvement in CRS Class to a CRS Class 4 or better, the City has entered into a contract agreement with Collective Water Resources, LLC specifically for the development of a Watershed Master Plan to meet CRS Class 4 requirement. In addition, the City has entered into a consulting support agreement with CRS Max, LLC in support of the CRS Program to include support for the development of a Watershed Master Plan.

The Florida Division of Emergency Management has announced the FDEM Watershed Planning Initiative to provide grant funding to jurisdictions in the State of Florida for the purpose of the development of Watershed Master Plans in order to improve CRS Class Ratings and subsequently increase the flood insurance premium discounts for community residents. The Florida Division of Emergency Management Watershed Planning Initiative is funded through a \$26.6 million grant under the Hazard Mitigation Grant Program (HMGP) as approved by FDEM and the Federal Emergency

Management Agency (FEMA) with the purpose of creating standardized, cost effective, and easily replicable Watershed Master Plans (WMP) throughout the State of Florida.

The City of West Palm Beach has applied for the FDEM Watershed Master Plan Initiative (FDEM WMPI) grant to defray the costs of development of a CRS Compliant Watershed Master Plan for the City of West Palm Beach. The estimated overall cost for this project is \$154,500. The City will provide 25% (\$38,625), and once awarded, the Federal Share of 75% (\$115,875) will be reimbursed by the FDEM WMPI.

Resolution No. 176-22 ratifies the submittal of the grant application for partial funding (75%) of the development of a Watershed Master Plan for the City.

- 7.2. Resolution No. 177-22 approving the transfer of development rights under the historic property incentive to Lincap WPB LLC for the development of the property at 506 and 524 Datura Street.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 177-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE TRANSFER OF DEVELOPMENT RIGHTS UNDER THE HISTORIC PROPERTY INCENTIVE TO LINCAP WPB LLC FOR THE DEVELOPMENT OF THE PROPERTY AT 506 AND 524 DATURA STREET; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 177-22.

Background Information:

Section 94-132 of the City's Downtown Master Plan (DMP) has a Transfer of Development Rights (TDR) program that allows developers to purchase development rights from one site and transfer them to another as defined in Figure IV-35 of the DMP - the TDR Sending and Receiving Sites map. The program was established to preserve historic properties and open space in the downtown area. Historically, the City's TDRs came from the preservation of Gateway Park located on Okeechobee Boulevard and Australian Avenue but the one million square feet of TDRs originating from this preservation has since been depleted for use in the development of such projects as the Grand, Flagler Station, Evernia Place, County Block D, the old City Hall site, 360 Rosemary and numerous churches throughout the downtown.

Recently, the City completed improvements to the historic Seaboard Train Station on Tamarind Avenue thereby creating a total of 378,231 square feet of development rights that could be transferred to other developments. These improvements included repairs to windows, doors, light fixtures, replacement of landscaping and a complete washing and painting of the building. At the same time, City staff is also working with the Palm Beach County School Board to designate four historic structures at the Dreyfoos School of the Performing Arts which will preserve those structures and net the School Board approximately \$8.1 million in revenue through the creation of approximately 477,392 square feet of TDRs.

Lincap WPB LLC is proposing a new development located at 506 and 524 Datura Street consisting of 180 residential units and a 130-room hotel. The project was approved by the Downtown Action Committee on December 8, 2021 and the developer is in for permitting at this time. The developer is in need of a total of 65,841 square feet of TDRs from the City to complete this project.

The City is selling a total of 6,838 square feet of TDRs at \$17 per square foot and, under a previous agreement with the Community Redevelopment Agency, a total of 59,003 square feet at \$13.50 for a total sale price of \$912,786.50. This revenue can then be placed in the City's General Fund.

Resolution No. 177-22 approves the sale of the TDRs for the project at 506 and 524 Datura Street.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

Anticipated revenue of \$912,786.50.

- 7.3. Resolution No. 179-22 approving the transfer of development rights under the historic property incentive to Samar WP LLC for the development of the property at 609, 613, and 617 Evernia Street.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 179-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE TRANSFER OF DEVELOPMENT RIGHTS UNDER THE HISTORIC PROPERTY INCENTIVE TO SAMAR WP LLC FOR THE DEVELOPMENT OF THE PROPERTY AT 609, 613 AND 617 EVERNIA STREET; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 179-22.

Background Information:

Section 94-132 of the City's Downtown Master Plan (DMP) has a Transfer of Development Rights (TDR) program that allows developers to purchase development rights from one site and transfer them to another as defined in Figure IV-35 of the DMP - the TDR Sending and Receiving Sites map. The program was established to preserve historic properties and open space in the downtown area. Historically, the City's TDRs came from the preservation of Gateway Park located on Okeechobee Boulevard and Australian Avenue but the one million square feet of TDRs originating from this preservation has since been depleted for use in the development of such projects as the Grand, Flagler Station, Evernia Place, County Block D, the old City Hall site, 360 Rosemary and numerous churches throughout the downtown.

Recently, the City completed improvements to the historic Seaboard Train Station on Tamarind Avenue thereby creating a total of 378,231 square feet of development rights that could be transferred to other developments. These improvements included repairs to windows, doors, light fixtures, replacement of landscaping and a complete washing and painting of the building. Concurrently, City staff is also working with the Palm Beach County School Board to designate four historic structures at the Dreyfoos School of the Performing Arts which will preserve those structures and net the School Board approximately \$8.1 million in revenue through the creation of approximately 477,392 square feet of TDRs.

Samar WP LLC is proposing a new development at 609, 613 and 617 Evernia Street. The project will consist of the Viana Hotel and Spa and will require Downtown Action Committee approval. The developer is in need of a total of 44,895 square feet of TDRs from the City to complete this project. The City is selling that amount of TDRs at \$17 per square foot for a total sale price of \$763,215. This revenue can then be placed in the City's General Fund.

Resolution No. 179-22 approves the sale of the TDRs for the project at 609, 613, and 617 Evernia Street.

Commission District 3: Commissioner Christy Fox.

- 7.4. Resolution No. 170-22 authorizing the assessment of city liens in the total amount of \$17,788.06 for unpaid water service, sewer service and storm water charges for the month of April 2022.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 170-22: 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 APRIL 2022; 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.

Staff Recommended Motion:

Approve Resolution No. 170-22.

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. 170-22 are for unpaid water service, sewer service, and stormwater service charges for the month of April 2022. The list of properties to be assessed and the associated charges totaling \$17,788.06 are attached to Resolution No. 170-22 as EXHIBIT A – UTILITY LIEN LIST - APRIL 2022.

Fiscal Note:

No fiscal impact.

- 7.5. Resolution No. 190-22 approving a grant to the Friends of Roosevelt Middle School Foundation, Inc. in the amount of \$2,600.

Originating Department:

Mayor's Office

Ordinance/Resolution:

RESOLUTION NO. 190-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A GRANT IN THE AMOUNT OF \$2,600 TO THE FRIENDS OF ROOSEVELT MIDDLE SCHOOL FOUNDATION, INC.; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve funding for the Friends of Roosevelt Middle School Foundation, Inc. in the amount of \$2,600.

Background Information:

The Mayor is engaging in a pilot partnership with the Friends of Roosevelt Middle School Foundation. Through this partnership, the Friends will provide specialized ACT/SAT tutoring services for high school students within the city. The aim of the Program is to increase the reading skills and strategies of the participants to enhance their chances of passing the

ACT/SAT. This is the Friends inaugural activity to provide academic support and services to students.

- 7.6. Resolution No. 191-22 establishing rates, fines, and hours of operation for parking.

Originating Department:

Parking

Ordinance/Resolution:

RESOLUTION NO. 191-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ESTABLISHING RATES, FINES AND HOURS OF OPERATION FOR THE CITY PARKING SYSTEM; AMENDING AND REPLACING RESOLUTION NO. 88-22 AND AMENDING THE COMPREHENSIVE FEE SCHEDULE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 191-22.

Background Information:

Chapter 86 of the City Code provides for parking fines and parking meter rates to be established by resolution. The City Commission last established parking rates and hours of operation in 2022 through the adoption of Resolution No. 88-22.

Resolution No. 191-22 amends the existing fees set forth in Resolution No. 88-22 and amends the existing charges, fines, and hours of operation for the City's parking system. Resolution 191-22 also establishes parking fees and rates in conjunction with Ordinance No. 5013-22.

Fiscal Note:

No fiscal impact.

8. PUBLIC HEARING

- 8.1. Public Hearing and Second Reading of Ordinance No. 5001-22: A City initiated request to amend Article IX Permitted Uses of Chapter 94 Zoning and Land Development Regulations (ZLDR) amending the home occupations regulations to be consistent with State Statutes.

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 5001-22: 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 94 - ZONING AND LAND DEVELOPMENT REGULATIONS, ARTICLE IX – PERMITTED USES –

GENERALLY, SECTION 94-273 (28) – HOME OCCUPATIONS, ACCESSORY TO RESIDENTIAL USES, TO BE CONSISTENT WITH GENERAL LAW; DECLARING THIS AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; 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. 5001-22.

Background Information:

Currently, the City regulates business activities conducted on residential property through ordinances that address “home occupations.” As of July 1, 2021, Section 559.955, Florida Statutes, now preempts areas of regulation for home-based businesses to the state. It restricts local governments from enacting or enforcing any ordinance, regulation or policy or take any action to license or otherwise regulate a home-based business in violation of State Statutes. The Statute now provides that a home-based business may operate in an area zoned for residential use and may not be prohibited, restricted, regulated or licensed in a manner different from other businesses in a local government’s jurisdiction. The law does include criteria that home-based businesses must meet to operate in an area zoned for residential use.

The proposed text amendment inserts the criteria as a requirement to operate a home-based business in compliance with State Statutes. This item was presented to the Planning Board at their April 19, 2022 meeting and approved by a 6 - 0 vote.

Fiscal Note:

Not applicable.

- 8.2. Public Hearing and Second Reading of Ordinance No. 5002-22: A City initiated amendment to Article II Organization, Administration and Enforcement and Article VII Special Districts of Chapter 94 Zoning and Land Development Regulations (ZLDR) to allow the demolition of structures in the Coleman Park overlay district.

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 5002-22: 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 94 - ZONING AND LAND DEVELOPMENT REGULATIONS, ARTICLE II – ORGANIZATION, ADMINISTRATION AND ENFORCEMENT AND ARTICLE VII- SPECIAL

DISTRICTS, TO ALLOW THE DEMOLITION OF STRUCTURES IN THE COLEMAN PARK OVERLAY DISTRICT; DECLARING THIS AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; 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. 5002-22.

Background Information:

When the City adopted the Coleman Park overlay district (See **Code Revision Report** for location Map), it was intended to jump start redevelopment within the community. At that time, staff enacted regulations that prohibited the demolishing of structures without a building permit being issued for the vertical construction of a new structure. The reasoning behind this regulation was that demolished structures result in vacant lots which can contribute to the perception of blight. Additionally, some vacant structures may have significant historic value and their demolition would be an irreversible loss to the community.

At the request of the West Palm Beach Housing Authority, staff has been requested to provide a process by which structures can be demolished within the Coleman Park overlay district without first obtaining a building permit. Staff had a similar request from developers/property owners located within the Downtown and in 2009, the City Commission approved Ordinance No. 4213-09 approving a process for the demolition of structures within the Downtown Master Plan (DMP) district without having to first obtain a building permit. The proposed regulations for the Coleman Park overlay district will mirror the DMP process.

Compliance with the standards found in Section 94-32 are detailed in the attached Code Revision Staff Report.

PLANNING BOARD: The Planning Board recommended approval (6-0) of the request to the City Commission after a Public Hearing on April 19, 2022.

Fiscal Note:

Not applicable.

- 8.3. Public Hearing and First Reading of Ordinance No. 5008-22: A City initiated text amendment to Article II Organization and Article VII Special Districts to amend the review and approval process for projects located within the Northwood Mixed Use District (NMUD), the Currie Mixed Use District (CMUD) and the Broadway Mixed Use District.

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 5008-22: 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 94 - ZONING AND LAND DEVELOPMENT REGULATIONS, ARTICLE II – ORGANIZATION, ADMINISTRATION AND ENFORCEMENT AND ARTICLE VII- SPECIAL DISTRICTS, TO AMEND THE REVIEW AND APPROVAL PROCESS FOR PROJECTS LOCATED WITHIN THE NORTHWOOD MIXED USE DISTRICT (NMUD), CURRIE MIXED USE DISTRICT (CMUD) AND BROADWAY MIXED USE DISTRICT (BMUD); DECLARING THIS AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; 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. 5008-22, an amendment to Article II Organization, Administration and Enforcement and Article VII Special Districts of Chapter 94 Zoning and Land Development Regulations (ZLDR) to amend the review and approval process for projects located within the NMUD, CMUD and BMUD mixed use districts.

Background Information:

In 2001, the City established a Mixed-use Future Land Use Designation and subsequently established three (3) mixed-use districts, NMUD, CMUD and BMUD, to enhance development opportunities within the north area of the City near Currie Park and along Broadway. When staff originally drafted the regulations, most of the projects would fall under a Development of Significant Impact (DSI) application. As part of the DSI approval process, all applications must comply with all requirements of the ZLDRs, no variances or waivers are permitted. What staff discovered is that most projects submitted for approval needed variances and waivers from the regulations. In 2007, the City amended the ZLDRs to allow variances and waivers as part of a DSI in Mixed-use districts. However, by adding the ability to permit variances and waivers to the approval process, applications would now be required to appear before the Plans and Plats Review Committee, two (2) different Boards (ZBA and PB) and the City Commission before receiving final approval. This process is shown below:

PPRC	Internal City site plan review committee
ZBA	The ZBA for any variances and/or waivers needed
PB	PB reviews all DSI's applications and makes a recommendation to the City Commission
City Commission	City Commission reviews the project as a Class A permit.

ANALYSIS

The NMUD, CMUD and BMUD districts have specific development regulations concerning setbacks, parking requirements, height limitations, and permitted uses. The intent of the Mixed Use Districts is to reinforce the architectural character; to create a place of common vision and physical predictability for all new construction and renovations; and to provide areas for the concentration of compatible land uses that are complementary to the surrounding neighborhoods.

A DSI is required when residential developments exceed 99 units or when non-residential developments contain 50,000 or more square feet. The Mixed Use Districts are relatively compact in nature and it was not contemplated that developments would exceed the DSI thresholds. A DSI requires City Commission approval based on the need to review the impact of larger projects on their surroundings. Each one of the Mixed Use Districts has had their maximum potential build-out calculated and adopted in the Comprehensive Plan; therefore the impacts of development have been reviewed and approved by City Commission. The Mixed Use Districts regulate all aspects of development to insure the neighborhoods surrounding the project will not be affected in a negative manner.

Requiring developments within a Mixed Use District to obtain DSI approval adds time to the development process which results in an impediment to the redevelopment envisioned in the Mixed Use Districts. With this proposed text amendment, staff is recommending that all variances and waivers for projects within the Mixed-use districts go to the Planning Board for all approvals since the Planning Board is currently reviewing and making recommendations to the City Commission for all DSI's. In addition, staff is recommending a special review process be created, like the Downtown Master Plan Area, for projects exceeding 99 residential units and 50,000 sq. ft. of commercial space be reviewed by the Planning Board meeting certain standards. The propose regulations will reduce the review time for applications and the number of public hearing meetings down to just one (1).

The text amendments are shown in the attached Planning Board report and the Ordinance only amends the sections of the ZLDR to give the Planning Board authority (Sections 94-31, 94-36,94-37,94-38, 94-210, 94-215 and 94-219) to review and approve variances, waivers, Class B Special Use permits and special review for projects located within the Mixed-use districts. Section 94-55 creates the Mixed-use districts development approval process and includes criteria for review and approval for special review projects.

Compliance with the standards found in Section 94-32 are contained in the attached Code Revision Staff Report.

PLANNING BOARD: The Planning Board recommended approval (5-0) of the request to the City Commission after a Public Hearing on March 15, 2022.

Commission District 1: Commissioner Cathleen Ward.

Fiscal Note:

Not applicable.

- 8.4. Public Hearing and First Reading of Ordinance No. 5013-22 amending the City of West Palm Beach Code of Ordinances at Chapter 86, which shall now be entitled "Traffic and Parking."

Originating Department:

Parking

Ordinance/Resolution:

ORDINANCE NO. 5013-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CITY OF WEST PALM BEACH CODE OF ORDINANCES, AT CHAPTER 86, WHICH SHALL NOW BE ENTITLED "TRAFFIC AND PARKING"; AMENDING ARTICLE I – IN GENERAL, AMENDING ARTICLE II – ADMINISTRATION, DIVISION I – GENERALLY, TO CREATE SECTIONS 86-31 AND 86-32; AMENDING ARTICLE II – ADMINISTRATION, DIVISION IV – STOPPING, STANDING AND PARKING TO AMEND VARIOUS SECTIONS AND TO CREATE SECTIONS 86-243 THROUGH 86-247; AMENDING ARTICLE II – ADMINISTRATION, DIVISION IV – STOPPING, STANDING AND PARKING TO CREATE DIVISION 4 – PARKING LOTS AND GARAGES IN THE DOWNTOWN MASTER PLAN, TO CREATE DIVISION 5 – CITY PARKING GARAGES; AND TO CREATE DIVISION 6 – VALET STANDS; ESTABLISHING A PARKING AND MOBILITY ORIENTED ACCOUNT WITHIN THE PARKING ENTERPRISE FUNDS; PROVIDING FOR CODIFICATION, CONFLICTS, AND SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5013-22 on first reading and schedule second reading for July 25, 2022.

Background Information:

Pursuant to Article VIII, Section (2)(b) of the Florida Constitution and Chapter 166, Florida Statutes, the City of West Palm Beach has broad home rule powers to adopt ordinances to regulate parking on city public rights-of-way, to establish and operate a parking system and a transit system, and to require permits and establish fees related to such systems and regulations.

The development of comprehensive transportation mobility strategies, plans and policies, including parking and related mobility strategies, will help the City of West Palm Beach grow while becoming more safe, healthy, resilient, connected, and welcoming community. Well-designed parking systems and policies ensure the continued health and vibrancy of a downtown.

A mobility system is, in part, related to a parking system, as a properly designed system can allow persons to “park once” yet easily navigate to all destinations within the core downtown area.

By Resolution No. 134-18, the City Commission accepted the Downtown Mobility Plan and the Downtown Parking & Transportation Demand Management Study.

Ordinance No. 5013-22 will adopt regulations that implement the strategies identified in the City’s Downtown Mobility Plan and the Downtown Parking & Transportation Demand Management Study.

The revenues generated from parking fees fund the City’s parking enterprise system. Ordinance No. 5013-22 will allow excess parking funds to be used toward the City’s public transportation and mobility system, as public transportation plays an important role in supporting parking, since it is an alternative to parking and reduces multiple relocations of vehicles to and from various downtown destinations, which in turn reduces the cost for expanding the parking supply in the downtown and reduces downtown traffic.

A comprehensive update of the parking fees was last implemented by Resolution No. 88-22 in 2022. By Resolution No. 88-22, the City Commission adjusted some of the parking rates to address immediate concerns. In order for all rates contemplated by Ordinance No. 5013-22 be addressed, a comprehensive parking fee resolution is required. Resolution No. 191-22 establishes parking fees and rates in conjunction with Ordinance No. 5013-22.

9. PUBLIC HEARING - QUASI-JUDICIAL

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

- 9.1. Public Hearing and First Reading of Ordinance No. 5004-22: A request by Jon Schmidt of Schmidt Nichols on behalf of Tobias Partners, L.P., for the abandonment of a 21,353 square foot (0.49 acres) portion of Biscayne Drive, just west of South Dixie Highway, and the conveyance of an approximately 3,751 square foot (0.09 acres) alley located approximately 100 feet west of South Dixie Highway, between Biscayne Drive and Claremore Drive.

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 5004-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, VACATING AND ABANDONING PORTION OF THE PLATTED RIGHT-OF-WAY BISCAYNE DRIVE; CONVEYING AN APPROXIMATELY 0.09 ACRE (3,751 SQUARE FEET) ALLEY; RESERVING A UTILITY EASEMENT; AUTHORIZING EXECUTION OF A DISCLAIMER OF INTEREST IN THE AFORESAID RIGHT-OF-WAY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5004-22.

Background Information:

The applicant, Tobias Partners, L.P., is requesting the abandonment of a 21,353 square foot (0.49 acres) portion of Biscayne Drive (the “subject right-of-way”) and the conveyance of a 15-foot wide alley, located 100 feet west of South Dixie Highway, between Biscayne Drive and Claremore Drive and consisting of 3,751 square feet (0.09 acres) (the “subject alley”). Recently, the applicant had acquired all remaining parcels between Flamingo Drive and Claremore Drive to the north and south, and between South Dixie Highway and the Florida East Coast (F.E.C.) to the east and west for the purpose of expanding The Greene School. The request for the abandonment and conveyance would allow the applicant to establish a cohesive plan for the expansion of the school’s facilities.

Subject Right-of-Way (Portion of Biscayne Drive, west of South Dixie Highway):

The abandonment of the subject portion of Biscayne Drive would not result in any negative impact to the surrounding area because it dead-ends into the F.E.C. railroad tracks and it is not functional for sidewalks or vehicular access. Due to the size and width, the subject right-of-way would have very little (if any) development potential or use to anyone other than the adjacent property owner (the applicant) as part of an assemblage into the property.

The applicant has agreed to compensate the City in the amount of \$728,000.00 as the value for the subject right-of-way to be abandoned with a utility easement reserved, as estimated by an appraisal conducted by Anderson & Carr, Inc., dated August 31, 2021.

Subject Alley (100 ft. west of South Dixie Highway, between Biscayne Drive and Claremore Drive):

The 15-foot wide subject alley is currently owned by the City. The alley currently does not provide access, nor does it provide a public benefit. Therefore, the subject alley is not needed for City purposes and can be declared surplus.

The applicant has agreed to compensate the City in the amount of \$95,000.00 as the value for the subject alley to be conveyed, as estimated by an appraisal conducted by Anderson & Carr, Inc., dated August 31, 2021. Ordinance No. 5004-22 includes a waiver by the Commission of the requirement that the appraisal be dated within six months of the First Reading.

TOTAL COMPENSATION TO THE CITY: The total compensation provided to the City for the abandonment and the conveyance would be \$823,000.00.

STANDARDS: Staff has found the requested abandonment complies with the abandonment criteria of Section 78-217 of the City's Code of Ordinances.

NOTICES: Pursuant to the requirements of Section 78-215(b) of the Code of Ordinances, individual notices were mailed to all property owners within 400 feet of the subject right-of-way and alley and signs were also posted.

COMMISSION DISTRICT: The proposed abandonment is located within Commission District 5: Commissioner Christina Lambert.

- 9.2. Public Hearing and First Reading of Ordinance No. 5009-22: A request by Hunter Beebe of Johnstone Group, on behalf of 2420 Florida Avenue, LLC, for a Future Land Use Map Amendment to change the Future Land Use designation of a 0.35-acre parcel located on the west side of Florida Avenue, between Westwood Road and Sunset Road from Single Family (SF) to Multifamily Medium Density (MFMD);

Public Hearing and First Reading of Ordinance No. 5010-22: A request by Hunter Beebe of Johnstone Group, on behalf of 2420 Florida Avenue, LLC, for a rezoning to change the zoning designation of a 0.35-acre parcel located on the west side of Florida Avenue, between Westwood Road and Sunset Road from Single-Family High Density, Medium Scale Historic Residential District, Context 2 (SF14-C2) to Multi-Family Medium Density, Urban Historic Residential District, Context 1 (MF20-C1);

Public Hearing and First Reading of Ordinance No. 5011-22: A city-initiated request for a Future Land Use Map Amendment to change the Future Land Use designation of two parcels located on the west side of Florida Avenue, between Sunset Road and Avon Road and totaling 0.40 acres, from Single Family (SF) to Multifamily Medium Density (MFMD); and

Public Hearing and First Reading of Ordinance No. 5012-22: A city-initiated request for a rezoning to change the zoning designation of two parcels located on the west side of Florida Avenue, between Sunset Road and Avon Road and totaling 0.40 acres, from Single-Family High Density, Medium Scale Historic Residential District, Context 2 (SF14-C2) to Multi-Family Medium Density, Urban Historic Residential District, Context 1 (MF20-C1).

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 5009-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF WEST PALM BEACH, FLORIDA, BY CHANGING THE FUTURE LAND USE DESIGNATION OF THE PARCEL LOCATED ON THE WEST SIDE OF FLORIDA AVENUE, BETWEEN WESTWOOD ROAD AND SUNSET ROAD, AND COMPRISED OF 0.35 ACRES, FROM SINGLE FAMILY TO MULTIFAMILY MEDIUM DENSITY; DECLARING THE PROPOSED AMENDMENT TO THE FUTURE LAND USE MAP TO BE CONSISTENT WITH ALL OTHER ELEMENTS OF THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 5010-22: 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, FLORIDA, BY REZONING THE PARCEL LOCATED ON THE WEST SIDE OF FLORIDA AVENUE, BETWEEN WESTWOOD ROAD AND SUNSET ROAD, AND COMPRISED OF 0.35 ACRES, FROM SINGLE-FAMILY HIGH DENSITY, MEDIUM SCALE HISTORIC RESIDENTIAL DISTRICT, CONTEXT 2, TO MULTI-FAMILY MEDIUM DENSITY, URBAN HISTORIC RESIDENTIAL DISTRICT, CONTEXT 1; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REVISING THE ZONING MAP OF THE CITY ACCORDINGLY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 5011-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF WEST PALM BEACH, FLORIDA, BY CHANGING THE FUTURE LAND USE DESIGNATION OF TWO PARCELS LOCATED ON THE WEST SIDE OF FLORIDA AVENUE, BETWEEN SUNSET ROAD AND AVON ROAD, TOTALING 0.40 ACRES, FROM SINGLE FAMILY TO MULTIFAMILY MEDIUM DENSITY; DECLARING THE PROPOSED AMENDMENT TO THE FUTURE LAND USE MAP TO BE CONSISTENT

WITH ALL OTHER ELEMENTS OF THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 5012-22: 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, FLORIDA, BY REZONING TWO PARCELS LOCATED ON THE WEST SIDE OF FLORIDA AVENUE, BETWEEN SUNSET ROAD AND AVON ROAD, TOTALING 0.40 ACRES, FROM SINGLE-FAMILY HIGH DENSITY, MEDIUM SCALE HISTORIC RESIDENTIAL DISTRICT, CONTEXT 2, TO MULTI-FAMILY MEDIUM DENSITY, URBAN HISTORIC RESIDENTIAL DISTRICT, CONTEXT 1; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REVISING THE ZONING MAP OF THE CITY ACCORDINGLY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5009-22, changing the Future Land Use designation of 0.35 acres, located on the west side of Florida Avenue, between Westwood Road and Sunset Road, from Single Family to Multifamily Medium Density. This motion is based on the application submitted, the staff report, factual testimony, the recommendation of the Planning Board, and the findings that the request complies with the provisions of Chapter 163, Florida Statutes, and the City's Comprehensive Plan.

Approve Ordinance No. 5010-22, to rezone 0.35 acres, located on the west side of Florida Avenue, between Westwood Road and Sunset Road from Single-Family High Density, Medium Scale Historic Residential District, Context 2, to Multi-Family Medium Density, Urban Historic Residential District, Context 1. This motion is based upon the application submitted, the staff report, the testimony given, the recommendation of the Planning Board, along with the findings that the rezoning is consistent with the Comprehensive Plan and complies with the Rezoning Standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

Approve Ordinance No. 5011-22, changing the Future Land Use designation of two parcels located on the west side of Florida Avenue, between Sunset Road and Avon Road, totaling 0.40 acres, from Single Family to Multifamily Medium Density. This motion is based on the application submitted, the staff report, factual testimony, the recommendation of the Planning Board, and the findings that the request complies with the provisions of Chapter 163, Florida Statutes, and the City's Comprehensive Plan.

Approve Ordinance No. 5012-22, rezoning two parcels, located on the west side of Florida Avenue, between Sunset Road and Avon Road, totaling 0.40 acres, from Single-Family High Density, Medium Scale Historic Residential District, Context 2, to Multi-Family Medium Density, Urban Historic Residential District, Context 1. This motion is based upon the application submitted, the staff report, the testimony given, the recommendation of the Planning Board, along with the findings that the rezoning is consistent with the Comprehensive Plan and complies with the Rezoning Standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

Background Information:

(This is a joint private and City-initiated request to change the Future Land Use and zoning of three (3) parcels located on the west side of Florida Avenue, between Westwood Road and Avon Road with a cumulative acreage of approximately 0.75 acres within the Sunshine Park Historic District. The information below is a general summary. A full analysis is included in the Staff Report)

In 2019, the City initiated a residential infill study to identify transition areas between single-family and non-residential uses. The purpose of the study was to provide opportunities to improve the land use transition between the single-family and non-residential uses by allowing multi-family residential to act as a buffer/transition area between these types of uses. Staff had targeted areas zoned Single-Family High Density (SF14) Residential along Florida Avenue, Georgia Avenue and Parker Avenue, which are generally characterized by higher traffic and commercial and/or industrial uses along these corridors. Due to time constraints and the influx of new development/redevelopment projects over the last several years, Planning staff was unable to complete the study.

In March of 2021, the property owner of the parcel at 2420 Florida Avenue, located on the west side of Florida Avenue, between Westwood Road and Sunset Road, approached Planning Staff to discuss changing the Future Land Use designation of the parcel to allow for the development of a townhouse project. The property is currently a dilapidated parking area; and the current Future Land Use designation is Single Family (SF) and the current zoning is Sunshine Park Historic District, Single-Family High Density, Medium Scale Historic Residential District, Context 2 (SF14-C2). Under the current Future Land Use and zoning designation, only a single-family unit with an accessory apartment (at most) would be permitted. To be able to build townhouses on the parcel, the property owner must request a Future Land Use Map Amendment and rezoning of the parcel to a Future Land Use and zoning designation that would allow for townhouses to be developed. In meeting with Staff, it was determined that a Future Land Use designation of Multifamily Medium Density Residential (MFMD) and a zoning designation of Multi-family Medium Density, Urban Historic Residential District, Context 1 (MF20-C1) would allow for the development

of multi-family units (including townhouses) and it would be the most appropriate Future Land Use designation and zoning for the transition area.

As Staff has identified Florida Avenue as one of the key areas in the unfinished residential study and the property at 2420 Florida Avenue exhibits the characteristics that would make the parcel an ideal transition area between the existing commercial uses to the east and the single-family to the west, Staff proceeded to also analyze the two adjacent parcels south of 2420 Florida Avenue that share similar characteristics that would be appropriate as transition areas between single-family and non-residential uses. It was determined by Staff that the Future Land Use Map Amendment and rezoning would continue and include the two (vacant parcels) south of 2420 Florida Avenue, between Sunset Road and Avon Road because of its location, existing and future land use characteristics of the immediate area and its close proximity to Belvedere Road, an active commercial corridor, in order to keep the property owner's proposal moving, as Staff has no set timeframe to complete the comprehensive residential infill study.

The Future Land Use Map Amendment and Rezoning are summarized in the following sections below:

Future Land Use Amendment to MFMD (Ordinance Nos. 5009-22 and 5011-22):

The first request is for the Future Land Use (FLU) Map Amendment to change the FLU designation of the subject properties from Single Family (SF) to Multifamily Medium Density (MFMD).

With regard to land use compatibility, the subject area is bounded by non-residential uses to the east and south and primarily single-family to the north and west. The proposed MFMD FLU designation would provide a more logical land use transition between the single-family residential and non-residential land uses in the immediate area in terms of land use intensity.

Pursuant to Chapter 163 of the Florida Statutes, any FLU Map Amendment must be evaluated to determine if the proposed land use change will have significant impact on the level-of-service (LOS) for public facilities (i.e. drainage, potable water, wastewater, solid waste, public schools and traffic) that service the properties and surrounding area. The LOS for public facilities is analyzed based on the maximum development potential for the current and proposed FLU and whether or not each public facility has the reserved capacity to accommodate the change in land use. Table 1 below summarizes the maximum development potential for the current and proposed FLU designation for the subject area.

**Table 1:
Current and Proposed Future Land Use Designation Maximum
Development Potential for the Subject Area**

<i>Existing:</i>	Single Family (SF)	13.4 units/acre	dwelling	10 dwelling units
<i>Proposed:</i>	Multifamily Medium Density (MFMD)	20 units/acre	dwelling	14 dwelling units

Approval of the FLU designation from SF to MFMD would increase the number of residential dwelling units permitted within the subject area by four (4) dwelling units, and therefore, the increase in development potential is expected. Despite the increase in development potential, the impact on the public facilities are expected to be insignificant with the FLU change. The LOS analysis for each public facility and the certification letters confirming that adequate infrastructure is in place and/or letter indicating that impacts will need to get addressed at time of a development application is provided in the Staff Report.

It is Staff’s professional opinion that the request for the FLU Map Amendment has met at least one of the required standards in the evaluation for a FLU change pursuant to Future Land Use Element (FLUE) Policy 1.1.5 of the City’s Comprehensive Plan. The evaluation of the required standards for the FLU Map Amendment is provided in the attached Staff Report.

Rezoning to MF20-C1 (Ordinance Nos. 5010-22 and 5012-22):

The second request is to rezone the subject area from Sunshine Park Historic District, Single-Family High Density, Medium Scale Historic Residential District, Context 2 (SF14-C2) to Sunshine Park Historic District Multi-Family Medium Density, Urban Historic Residential District, Context 1 (MF20-C1).

The rezoning to MF20-C1 is consistent with the proposed FLU designation of MFMD for the subject area. It is also Staff’s opinion that the rezoning of the subject area is compatible with the zoning land use pattern of the immediate area and that the proposed rezoning meets the rezoning standards of Section 94-32 of the Zoning and Land Development Regulations (ZLDRs). Staff’s analysis of the Rezoning Standards is provided in the Staff Report.

CONCLUSION:

The purpose of the Future Land Use Map Amendment and rezoning is to allow the option of developing multifamily residential (including townhouse

units) within the subject area to provide for a logical land use transition between the single-family residential and non-residential uses in a dense urban area and in close proximity to Belvedere Road, a high traffic, urban commercial corridor. The proposed amendments will also remain consistent with the current residential land use and zoning of the subject area: the only deviation would be the increase in density and the allowance of multifamily, which would provide the opportunity to increase the number of residential units and variety of housing stock within the immediate area, while providing a more appropriate land use transition.

It is important to note that the subject area is located within the Sunshine Park Historic District and that any development proposal within the subject area will require review by the City's Historic Preservation Staff and the Historic Preservation Board (HPB), which is the governing body to all development projects within a historic district. The HPB reviews development applications for its architectural integrity and compatibility and may enforce conditions to limit a project's development to ensure compatibility within the district. At this time, only the Future Land Use and zoning of the subject area is being considered; there has not been a formal development application submission for any of the parcels.

NEIGHBORHOOD OUTREACH: The property owner of 2420 Florida Avenue has met with the Sunshine Park Neighborhood Association to present the Future Land Use Map Amendment and rezoning applications, as well as the conceptual plan for the townhouse development on 2420 Florida Avenue.

PLANNING BOARD: After a Public Hearing on May 17, 2022, the Planning Board recommended approval (3-2) of the Future Land Use Map Amendment and rezoning requests. Objecting Board members had expressed concerns on the building height permitted by-right within the MF20-C1 zoning district (maximum permitted in MF20-C1 is 32 feet compared to the maximum height permitted in SF14-C2 of 26 ft.). Despite Staff's explanation that the applications presented before the Planning Board were for the Future Land Use and zoning change only, and that the Historic Preservation Board would have the authority to impose restrictions on a development project, including building height, the concerns remained.

PUBLIC NOTICE: Individual Notices were mailed to all property owners within 500 feet of the subject area and signs have been posted on the properties. Per Statutory requirement, First Reading of the Ordinances Nos. 5009-22, 5011-22 and 5012-22 were advertised in the Palm Beach Post on July 4, 2022.

COMMISSION DISTRICT: The subject area is located within Commission District 5: Commissioner Christina Lambert.

- 9.3. Public Hearing of Resolution No. 128-22 approving the plat entitled “Prime Corner.”

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 128-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MINOR SUBDIVISION (REPLAT) OF REAL PROPERTY TO CREATE THE PLAT ENTITLED “PRIME CORNER,” GENERALLY LOCATED AT THE NORTHWEST CORNER OF 45TH STREET AND NORTH MILIARY TRAIL AND CONTAINING APPROXIMATLEY 9.84 ACRES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 128-22.

Background Information:

The subject property is comprised of ±9.84 acres and is located on the northwest corner of North Military Trail and 45th Street. On February 8, 2021, the City Commission approved Ordinance No. 4931-21, approving the rezoning of the subject property to a Commercial Planned Development (CPD) and Resolution No. 9-21, approving the Master Development Plan, development regulations, design guidelines and conditions for the Prime Corner CPD.

As a condition of approval for the CPD, adopted by Resolution No. 9-21, the subject property requires a re-plat to consolidate the parcels that make up the planned development prior to the issuance of a Certificate of Occupancy (C.O.) for the first use constructed within the CPD. At this time, only a WaWa gas station and convenience store has been approved within the development. This application seeks the approval of a Minor Subdivision (replat) of the subject property to satisfy the platting requirement and condition specified in Resolution No. 9-21.

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

PUBLIC NOTICE: Individual Notices were mailed to all property owners within 500 feet of the property, and signs have been posted on the subject property. In accordance with the advertisement requirements of the City’s Zoning and Land Development Regulations (ZLDRs), Resolution No. 128-22 was advertised in the July 1, 2022 edition of the Palm Beach Post.

COMMISSISON DISTRICT: The subject property is located within Commission District 4: Commissioner Joseph Peduzzi.

10. 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.

11. COMMENTS BY THE MAYOR AND CITY COMMISSIONERS

12. 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.