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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 25, 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. RECEIVED / FILED

- 6.1. Submittal of the following three (3) reports from the Internal Auditor's Office: (1) Post Audit Review of Workers' Compensation, PAR22-02; (2) Post Audit Review of Fire Rescue's Controlled Substances, Medical Records, and Equipment PAR22-03; and (3) Post Audit Review of Supervisory Control and Data Acquisition (SCADA) PAR22-04.

**Originating Department:**

Internal Audit

**Staff Recommended Motion:**

Received, approved, and filed.

**Background Information:**

The three (3) reports were presented to the Audit Committee on June 29, 2022, where they were approved by the Audit Committee Members. Copies of the reports have been provided to the Mayor and the City Commissioners.

**Fiscal Note:**

No fiscal impact.

## 7. CONSENT CALENDAR

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

- 7.1. Resolution No. 183-22(F) amending the Fiscal Year 2021-2022 Real Estate Management budget to appropriate \$235,000 in proceeds from miscellaneous real estate transactions for the repair and maintenance of City-owned properties.

**Originating Department:**

Housing and Community Development

**Ordinance/Resolution:**

RESOLUTION NO. 183-22(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 GENERAL FUND BUDGET TO PROVIDE APPROPRIATIONS OF FUNDS FOR REPAIR AND MAINTENANCE SERVICES FOR CITY OWNED PROPERTIES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

On March 7, 2022, by Resolution No. 46-22, the City Commission approved the abandonment of an approximately 20-foot wide by 214-foot long platted alley, consisting of approximately 0.1 acres, located east of South Dixie

Highway between Winters Street and Maddock Street. An appraisal for the abandonment of the subject property was prepared by Anderson & Carr, Inc., on April 19, 2022, and submitted to the City. According to the appraisal report, the market value for the subject area with a utility easement reservation is \$147,000. The applicant agreed to pay the City the appraised value for the abandonment.

On May 2, 2022, by Resolution No. 89-22, the City Commission approved the abandonment of an approximately 20-foot wide by 192.48-foot long platted alley, consisting of approximately 0.053 acres located east of Mercer Avenue, between 1700 Mercer Avenue and 1320 and 1254 Okeechobee Road. An appraisal for the abandonment of the subject property was prepared by Anderson & Carr, Inc., on December 27, 2021, and submitted to the City. According to the appraisal report, the market value for the subject area is \$88,000. The applicant agreed to pay the City the appraised value for the abandonment.

The City desires to appropriate the proceeds from the above sales to the General Fund for real estate management to be utilized for repairs and maintenance of City owned properties.

Resolution No. 183-22(F) appropriates the funds to the General Fund / Real Estate Management account to be used for the maintenance of City properties.

**Fiscal Note:**

Approval will recognize revenue proceeds from the sale of abandonments and provide appropriations for the repair/maintenance of City owned properties.

## 8. RESOLUTIONS

- 8.1. Resolution No. 188-22 granting Face of the City approval of the design for Gaines Park Tennis Courts and Tennis Center.

**Originating Department:**

Parks and Recreation

**Ordinance/Resolution:**

RESOLUTION NO. 188-22: 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 GAINES PARK TENNIS COURT AND TENNIS CENTER IMPROVEMENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 188-22.

**Background Information:**

The Gaines Park Jimmy "Doc" Horne Tennis Center was approved for \$1,500,000 in renovations through the 2020 General Obligation Parks Bond. The scope of work includes renovating the existing courts, lights, fencing and tennis center building.

During the initial public input for the Parks Bond, it was a request of the Gaines Park tennis community to not renovate the existing tennis offices but to design and construct a new tennis center building.

A community engagement meeting was held on November 17, 2021 to gather input for design. A follow up meeting was held January 27, 2022 to present the design of the renovated tennis courts and the proposed new tennis center building. During the January meeting additional input was collected to complete the design. On May 24, 2022 a digital survey with design images of the proposed Jimmy "Doc" Horne Tennis Center was sent to the public to gather final feedback to ensure consensus. The survey was sent to all who had attended the public engagement meetings and others who had expressed an interest in the project.

Commission District 1: Commissioner Cathleen Ward.

- 8.2. Resolution No. 180-22 approving the transfer of development rights under the historic property incentive to Nora Holdings FL LLC, or an affiliate, for the development of properties within the NORA District.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 180-22: 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 NORA HOLDINGS FL LLC OR AN AFFILIATE FOR THE DEVELOPMENT OF PROPERTIES WITHIN THE NORA DISTRICT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 180-22.

**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 District 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.

The rezoning of the North Railroad Avenue District (NORA) was approved by the City Commission on February 7, 2022. NORA is proposing a new mixed-use development from West Railroad Avenue, North Dixie Highway, Quadrille Boulevard and Palm Beach Lakes Boulevard. The first phase of development will focus on the redevelopment of the warehouses along the west side of Railroad Avenue. Future developments will consist of office, residential and retail developments.

The developer is in need of a total of 400,000 square feet of TDRs.

The City has the capacity to transfer 165,495 sqft of TDRs from the Seaboard Train Station, and the capacity to transfer 20,848 sq. ft. of TDRs from Jose Marti Park, for a total of 186,343 sq. ft. of TDRs, at \$17 per square foot for a total sale price of \$3,167,831.00. This revenue can then be placed in the City's General Fund.

Resolution No. 180-22 approves the sale of the TDRs for development within the NORA district.

Commission District 3: Commissioner Christy Fox.

- 8.3. Resolution No. 184-22 approving the design and installation of the Belair Historic District Marker.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 184-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE INSTALLATION OF A FLORIDA HISTORICAL

MARKER FOR THE BELAIR HISTORIC DISTRICT ON CITY-OWNED PROPERTY; APPROVING THE DESIGN FEATURES OF THE HISTORICAL MARKER; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 184-22.

**Background Information:**

The Florida Historical Marker Program is one of the State of Florida Division of Historical Resources' most popular and visible public history programs. It is designed to raise public awareness of Florida's rich cultural history and to enhance the enjoyment of our historic sites by citizens and tourists and the City of West Palm Beach has approximately a dozen of these markers throughout the eastern part of the City.

The South End Neighborhood Association ("SENA") would like to apply for the creation of a Florida Historical Marker for the Belair Historic District have it installed on City-owned property along Flagler Drive, at the east terminus of Plymouth Road to commemorate the story of this historic district.

The Belair Historic District was originally a fruit and citrus plantation and was later developed as a residential area. The district is primarily composed of one- and two- story Mediterranean Revival, Mission Revival, and Frame Vernacular single family homes. There are two significant homes in the district which are the Richard and Mary Hone (Brombacher) home (1895) at 211 Plymouth Road and the Ohlhaber home (1925) at 205 Pilgrim Road. Other prominent structures include the John Stephens home (1927), the Eric Schroeder home (1926), B.V. Zeigler home (1926), one of the few early frame vernaculars, and the Jonathan Sirich home (1927). This residential area represents the Florida Land Boom Era in West Palm Beach. It is also significant for its high concentration of Mediterranean and Mission Revival homes.

Provided that the State approves the application for an historical marker, Resolution No. 184-22 approves the installation of a Florida Historical Marker for the Belair Historic District on City-owned property along Flagler Drive, at the east terminus of Plymouth Road.

Commission District 5: Commissioner Christina Lambert.

## 9. PUBLIC HEARING

- 9.1. 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.

- 9.2. Public Hearing and Second 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.

- 9.3. Public Hearing and Second 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.

**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.

**Fiscal Note:**

No fiscal impact

- 9.4. Public Hearing and First Reading of Ordinance No. 4999-22 amending Chapter 86 of the City’s Code of Ordinances to establish the City’s Wrecker Operator System.

**Originating Department:**

City Attorney's Office

**Ordinance/Resolution:**

ORDINANCE NO. 4999-22: 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 86 (TRAFFIC) BY AMENDING AND RESTATING ARTICLE I (IN GENERAL) TO AMEND SECTION 86-1(DEFINITIONS) TO ADD NEW DEFINITIONS AND ADDING A NEW SUBSECTION 86-9 TO CREATE A WRECKER OPERATOR SYSTEM; 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. 4999-22 on first reading and schedule second reading.

**Background Information:**

The City previously provide for the towing or storage of disabled vehicles or vessels by entering into franchise agreements with towing companies selected through the City's procurement process. The franchise agreements, among other things, charged the towing companies a franchise fee, payable to the City, for the privilege of operating within the City. Florida Statute 166.04464 now prohibits Municipalities from imposing a fee or charge on an authorized wrecker operator or towing business for towing, impounding or storing a vehicle or vessel. The statute does authorize a Municipality to impose a reasonable administrative fee or charge on the registered owner or other legally authorized person in control of a vehicle or vessel to cover the cost of enforcement when the vehicle or vessel is towed from public property. The fee may not exceed 25 percent of the maximum towing rate and may be collected on behalf of the city by an "authorized wrecker operator" or towing business. The Legislature also adopted Section 166.043 which requires counties to establish the maximum rates (rates chargeable by towing companies). Palm Beach County's current rates are attached to this item. This section also provides that Municipalities may opt-out of the applicability of the county rates by adopting their own ordinance establishing such rates. The City does not presently have such an ordinance. Based on the County's current towing rates and cost factors associated with vehicle removal, the finance department has determined that the approximate cost to the City to remove a vehicle is one hundred nine and 09/100 Dollars (\$109.09). This amount would be the City's current administrative fee.

Section 323.002, Florida Statutes defines an "authorized wrecker operator" as "any wrecker operator who has been designated as part of the "wrecker operator system" established by the governmental unit having jurisdiction over the scene of a wrecked or disabled vehicle". That section defines "Wrecker Operator System" as "a system for the towing or removal of wrecked, disabled, or abandoned vehicles under which a county or municipality contracts with one or more wrecker operators for the towing or removal of wrecked, disabled, or abandoned vehicles from accident scenes, streets, or highways. A wrecker operator system must include using a method for apportioning the towing assignments among the eligible wrecker operators through the creation of geographic zones, a rotation schedule, or a combination of these methods".

Section 323.004 defines "unauthorized wrecker operator" as any wrecker operator who has not been designated as part of the wrecker operator system. That section prohibits unauthorized wrecker operators from

monitoring police radio communications in order to determine the location of a disabled vehicle; from driving by the scene of a disabled vehicle to offer towing services and if they are driving by the scene of a disabled vehicle and is stopped by the disabled vehicle operator, it regulates the disclosures that must be made to the operator. Violation of these provisions is an offense ranging from a noncriminal violation to a first degree misdemeanor.

The City does not have a Wrecker Operator System. Ordinance No. 4999-22 establishes the City's Wrecker Operator System. It provides the method of selection and qualifications for operators; imposes an administrative fee in the amount of 25 percent of the maximum towing rate established by Palm Beach County from time to time; authorizes operators to collect the fee on behalf of the City; regulates the operation of unauthorized operators and provides for the right of disabled vehicle owners or operators to choose an operator of their own choice.

**Fiscal Note:**

No fiscal note.

## 10. PUBLIC HEARING - QUASI-JUDICIAL

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

- 10.1. Public Hearing and Second Reading of Ordinance No. 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 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 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.

**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.

- 10.2. Public Hearing and Second 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 Second 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 Second 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 Second 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.

10.3. Resolution No. 185-22 Minor Subdivision Plat - 'Sunset Lounge' Replat.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 185-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A REPLAT OF REAL PROPERTY TO CREATE THE PLAT ENTITLED "SUNSET LOUNGE" CONSISTING OF ONE DEVELOPMENT TRACT TOTALING APPROXIMATELY 0.913 ACRES LOCATED AT 609 8TH STREET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Staff recommends APPROVAL of said Plat as it complies with the subdivision design standards set forth in Section 94-342 of the Code of Ordinances of the City of West Palm Beach.

**Background Information:**

The subject Sunset Lounge site consisting of approximately 0.913 acres is a contributing property within the North West Neighborhood District. It has been reviewed and approved by the Historic Preservation Board (HPB) as well as received its site plan approval. The project is currently finalizing its rehabilitation and expansion. The structure features a 3-story, 20,934 square foot performance venue and restaurant/bar located at 609 8th Street. The replat of the property satisfies a condition of the site plan approval; to replat the property prior to issuance of the Certificate of Occupancy (CO).

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.