



401 Clematis Street
West Palm Beach, Florida 33401
(561) 822-2222 (TTY) 800-955-8771
www.wpb.org

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
City Clerk (Interim) Jacqueline Mobley

**City of West Palm Beach
City Commission
PASS/FAIL Agenda
Monday, October 17, 2022
5:00 PM**

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three days prior to any proceeding, contact the City Clerk's Office, 401 Clematis Street, West Palm Beach, FL 33401, (561) 822-1210.

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

4. CIVILITY AND DECORUM

The City of West Palm Beach is committed to civility and decorum by its officials, employees and members of the public who attend this meeting. The City Code, Secs. 2-31(8), 2-31(18) and 2-31(22), provides in pertinent part:

- Officials shall be recognized by the Chair and shall not interrupt a speaker.
- Public comment shall be addressed to the City Commission as a whole and not to any individual on the dais or in the audience.
- Displays of anger, rudeness, ridicule, impatience, lack of respect and personal attacks are strictly prohibited.
- Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted.
- Offenders may be removed from the meeting.

5. ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA

6. PROCLAMATION - PRESENTED

- 6.1. Proclaiming October 21-October 28, 2022 as Mobility Week. Proclamation to be accepted by Penni Redford, Manager of Resiliency and Climate Change, Public Utilities Department Sustainability Initiatives.

Originating Department:
Mayor's Office

7. CONSENT CALENDAR - ALL APPROVED

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

- 7.1. Minutes of the Regular City Commission Meeting of September 6, 2022

Originating Department:
Mayor's Office

- 7.2. Minutes of the Special City Commission Meeting of September 8, 2022

Originating Department:
Mayor's Office

- 7.3. Minutes of the Regular City Commission Meeting of September 19, 2022

Originating Department:
Mayor's Office

- 7.4. Minutes of the Special City Commission Meeting of September 22, 2022

Originating Department:
Mayor's Office

- 7.5. Resolution No. 262-22(F) appropriating \$31,364 for the State of Florida Department of Health Child Care Food Program to provide snacks during the City's after-school programs at two (2) community centers.

Originating Department:
Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 262-22(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 2022/2023 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GRANT PROGRAMS SPECIAL REVENUE FUND BUDGET TO PROVIDE APPROPRIATIONS FOR THE PURCHASE OF SNACKS FOR THE CHILD CARE FOOD PROGRAM AND FOR RECOGNIZING REIMBURSEMENT THROUGH A

GRANT FROM THE STATE OF FLORIDA DEPARTMENT OF HEALTH
CHILDCARE FOOD PROGRAM; PROVIDING AN EFFECTIVE DATE;
AND FOR OTHER PURPOSES.

Background Information:

In the City of West Palm Beach, many children only receive one (1) balanced meal a day and qualify for free meals at school. The State of Florida Department of Health (FDOH), in partnership with the U. S. Department of Agriculture (USDA), administers a reimbursement Child Care Food Program, whereby child care providers such as the City, are reimbursed for snacks/food served, food program administration, and supplies.

By Resolution No. 181-15, the City Commission approved the City's participation in the FDOH Child Care Food Program and authorized the Mayor to sign the permanent contract with the State.

The Department of Parks and Recreation developed the City's after-school program to provide a healthy snack during after-school care at the following two (2) after-school program locations: Gaines Park Community Center and South Olive Community Center.

This Resolution authorizes City expenses for the Child Care Food Program, not to exceed \$31,364 in Fiscal Year 2022-2023, which will be reimbursed to the City by the State of Florida Department of Health.

Fiscal Note:

Approval will provide approximately \$31,364 in reimbursable expenditures providing snacks to children in the after-school program.

- 7.6. Resolution No. 258-22 granting an Aerial Easement at 426 Claremore Drive to Jack The Bike Man, Inc.

Originating Department:

Engineering

Ordinance/Resolution:

RESOLUTION NO. 258-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN AERIAL EASEMENT OVER THE PUBLIC RIGHT-OF-WAY TO JACK THE BIKE MAN INC., FOR A BUILDING EXPANSION PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

In March of this year, Jack "The Bike Man" Inc. applied for and received Permit # 22030326 for interior and exterior renovations at 426 Claremore Drive. Part of the renovations included cantilevered shade covers extending over into the Claremore Drive right-of-way. The shade covers

were reviewed and approved by both the Planning and Engineering departments which requires the Aerial Easement as part of our approval.

Commission District 5: Commissioner Christina Lambert.

Fiscal Note:

No fiscal impact.

- 7.7. Resolution No. 277-22 granting a Revocable Permit and License to Florida Power and Light under the M Canal for a subaqueous crossing.

Originating Department:

Engineering

Ordinance/Resolution:

RESOLUTION NO. 277-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING A REVOCABLE PERMIT AND LICENSE TO FLORIDA POWER AND LIGHT COMPANY FOR INSTALLATION OF UNDERGROUND TRANSMISSION LINES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

Florida Power & Light (FPL) currently has an existing wood pole aerial line crossing the M Canal just north of Big Mound Trail, which is at the western end of the canal. As part of FPL's ongoing facilities hardening program, they have asked the City for a subaqueous crossing to replace the aerial. Their request was reviewed by Public Utilities and its Watershed Management Division with no objections.

Fiscal Note:

No fiscal impact.

- 7.8. Resolution No. 272-22 accepting a State of Florida Department of Environmental Protection Resilient Florida grant in the amount of \$192,475 to be used to fund a City-wide Vulnerability Assessment; and

Resolution No. 271-22(F) provides budget appropriations in the Water and Sewage Systems Revenue Fund.

Originating Department:

Public Utilities

Ordinance/Resolution:

RESOLUTION NO. 272-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A RESILIENT FLORIDA GRANT FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION IN THE AMOUNT OF \$192,475 TO FUND A COMMUNITY-WIDE VULNERABILITY

ASSESSMENT; APPROVING THE GRANT AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 271-22(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 2022/2023 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE WATER AND SEWAGE SYSTEMS REVENUE FUND BUDGET TO RECOGNIZE A GRANT FROM THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND TO PROVIDE APPROPRIATIONS FOR A CITY WIDE VULNERABILITY ASSESSMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The Florida Department of Environmental Protection Resilient Florida program includes various grants that are available to counties, municipalities, water management districts, flood control districts and regional resilience entities to effectively address impacts of flooding and sea level rise facing the state, including funding assistance to analyze and plan for vulnerabilities, as well as implement adaptation and mitigation projects. Florida Statutes Section 380.093 establishes grant requirements.

Resolution No. 215-21 approved submittal of the application by the City (Grantee) for a Resilient Florida Planning grant to conduct a comprehensive Vulnerability Assessment pursuant to Section 380.093(3)(d), Florida Statutes.

A grant in the amount of \$192,475 (with no match required) was awarded by the State of Florida Department of Environmental Protection through its Resilient Florida Program for the completion of the City of West Palm Beach Vulnerability Assessment Project updating the 2019 Resilience Assessment to meet the new state standards, including critical asset inventory, datasets, analyses, maps, and required metadata. Tidal flooding and future high tide, current and future storm surge flooding, and rainfall-induced flooding will be modeled. The goals of the updated assessment are to simultaneously be consistent with FEMA CRS requirements and to serve as the basis for future adaptation investments.

The grant funding covers the Project development costs incurred and expended during the period of July 1, 2021 to June 30, 2024.

Resolution No. 272-22 accepts the grant and authorizes execution of the grant agreement. Resolution No. 271-22(F) amends the Water and Sewage Systems Revenue Fund Budget to accept the grant funds and provides appropriations for the Project.

Fiscal Note:

No matching funds required. Revenue Account: 450-097100-000-334360-92474936 - FDEP Grant.

8. RESOLUTIONS - APPROVED

- 8.1. Resolution No. 254-22 approving a Building Improvement Grant through the Economic Development Division for Electric Power in the amount of \$100,000 to make improvements at 625 N. Flagler Drive, Suite 1003.

Originating Department:

Mayor's Office

Ordinance/Resolution:

RESOLUTION NO. 254-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A BUILDING IMPROVEMENT GRANT FOR ELECTRIQ POWER, INC., FOR IMPROVEMENT AT 625 N. FLAGLER DRIVE, SUITE 1003; AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 254-22.

Background Information:

The Building Improvement Grant program offered by the City of West Palm Beach encourages property owners/landlords and new businesses relocating or existing businesses to expand space to make significant, permanent modifications to existing buildings thus raising the overall property value and in some cases, bringing the property up to proper building codes. It creates jobs and is one of the City's most successful and cost-effective community revitalization programs.

Through this incentive program, the Economic Development Division encourages major tenant improvements necessary for subdividing ground floor spaces and attracting a variety of professional services to the City, as well as for the significant improvements to life safety systems, and improvements that enable upper floors of existing commercial buildings

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

Fully

budgeted.

- 8.2. Resolution No. 273-22 approving the design features for Howard Park Tennis Courts and Tennis Center improvements.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 273-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE DESIGN FEATURES PRESENTED TO THE CITY COMMISSION FOR HOWARD PARK TENNIS COURTS AND TENNIS CENTER IMPROVEMENTS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 273-22.

Background Information:

Through the 2020 General Obligation Parks Bond, the Howard Park Tennis Courts were designated for \$2,500,000 in renovations. The scope of work includes renovating the existing clay courts, hard courts, lighting, fencing and tennis center building.

Kimley-Horn was selected as the firm to design the Howard Park Tennis Courts and Tennis Center under a Professional Services Agreement.

Community engagement was conducted with one Zoom meeting, two in-person meetings, after which the design plan was further modified to incorporate community requests.

A follow-up survey was conducted to which 208 responses were received, with 90% supporting the proposed design for the tennis courts and tennis center.

The project update and design survey were presented to the Parks and Recreation Advisory Committee (PRAC) on September 13, 2022.

Section 66-13 of the City of West Palm Beach Code of Ordinances requires City Commission approval of design features for above-ground changes involving streets, parks, buildings, or landscaping, referred to as the "Face of the City".

Proposed construction scheduled to start Fall 2023.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

The \$2.5M project budget has been funded from the Parks Bond.

- 8.3. Resolution No. 268-22 approving a Special Obligation Refunding Note, Taxable Series 2022, in the aggregate principal amount not exceeding \$37,000,000 to TD Bank, N.A. for the purpose of refunding the City's outstanding Special Obligation Bonds, Series 2016B; further approving a Special Obligation Refunding Note, Series 2026 in the aggregate principal amount of not exceeding \$37,000,000.

Originating Department:

Finance

Ordinance/Resolution:

RESOLUTION NO. 268-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE AWARD, ISSUANCE AND SALE OF THE (i) CITY OF WEST PALM BEACH, FLORIDA SPECIAL OBLIGATION REFUNDING NOTE, TAXABLE SERIES 2022, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$37,000,000, TO TD BANK, N.A. FOR THE PURPOSE OF REFUNDING ALL OF THE CITY'S OUTSTANDING SPECIAL OBLIGATION BONDS, SERIES 2016B AND PAYING THE COST OF ISSUANCE OF THE SERIES 2022 NOTE, AND (ii) CITY OF WEST PALM BEACH, FLORIDA SPECIAL OBLIGATION REFUNDING NOTE, SERIES 2026, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$37,000,000, TO THE LENDER FOR THE PURPOSE OF PREPAYING ALL OF THE SERIES 2022 NOTE AND PAYING THE COST OF ISSUANCE OF THE 2026 NOTE; MAKING FINDINGS AND DETERMINATIONS AS TO SAID NOTES; ACCEPTING THE PROPOSAL OF THE LENDER TO MAKE LOANS TO THE CITY AND PURCHASE THE NOTES; PROVIDING FOR THE METHOD OF EXECUTION OF THE NOTES; APPROVING THE FORMS OF THE LOAN AGREEMENTS WITH THE LENDER IN CONNECTION WITH THE NOTES AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH LOAN AGREEMENTS AND THE NOTES; APPROVING THE FORMS OF THE NOTE PURCHASE AGREEMENTS WITH THE LENDER IN CONNECTION WITH THE NOTES AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH NOTE PURCHASE AGREEMENTS; APPROVING THE FORM OF AN ESCROW DEPOSIT AGREEMENT AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH ESCROW DEPOSIT AGREEMENT AND APPOINTING AN ESCROW AGENT; APPOINTING A REGISTRAR AND PAYING AGENT AND A VERIFICATION AGENT; AUTHORIZING OTHER REQUIRED ACTIONS IN CONNECTION HERewith; PROVIDING FOR SEVERABILITY OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

Staff Recommended Motion:

Approve Resolution No. 268-22.

Background Information:

On April 25, 2016, the City Commission adopted Resolution No. 127-16 authorizing the issuance of not to exceed \$40,000,000 in principal amount

of the City of West Palm Beach Special Obligation Bonds, Series 2016B ("Series 2016B Bonds"), for the purpose of financing certain improvements, including parks and recreation, transportation, fleet complex, and other improvements. Under this Resolution, the City issued \$33,795,000 of Series 2016B Bonds on July 5, 2016. The Series 2016B Bonds consist of fixed rate debt. Principal amortization runs from October 1, 2036 through October 1, 2040, and as such no principal has yet amortized on the bonds.

At this time, the City has an opportunity to refinance the Series 2016B Bonds for interest rate savings. The first optional redemption date of the Series 2016B Bonds is October 1, 2026, thus, to refund the bonds today, the City would need to do an advance refunding. This means that the proceeds of the refunding issue are invested in an escrow, with principal and interest from these investments being used to pay principal and interest on the refunded issue. This is a common method of refunding bonds that are not yet callable for savings. However, the tax law changes in 2017 dictate that advance refundings can only be done on a taxable basis.

In order to optimize the savings from the refinancing, our plan of finance is structured whereby the refunding bonds are initially issued in taxable form, and then re-issued as a tax-exempt note on the optional redemption date. The tax-exempt rate that is used in 2026 is agreed to in advance and is locked in today.

On September 9, 2022, five proposals were received from municipal lenders active in this space. After a review of proposals, Finance staff and our financial advisor, PFM, recommended TD Bank based on low interest rate and favorable terms. Furthermore, the note will include a provision that it may be prepaid at any time, which provides the City with future prepayment flexibility. TD Bank has agreed to hold their rate until a closing date of October 25, 2022.

Operating under the plan to convert to a tax-exempt rate in 2026, this refunding is estimated to result in a savings of \$2.9 million, or 8.60% on a net present value basis.

Resolution No. 268-22 approves the refunding of the Special Obligation Bonds, Series 2016B.

Fiscal Note:

Estimated savings from the advanced refunding of \$2.9 million.

9. PUBLIC HEARING - **APPROVED**

- 9.1. Public Hearing and First Reading of Ordinance No. 5025-22 approving an agreement between the School Board of Palm Beach County regarding the City's purchase of transfer of development rights generated with the designation of four historic structures at the Dreyfoos School of the Arts; along with a lease with the option for conveyance of the former parking area at the municipal golf course to the School Board.

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 5025-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A PURCHASE AND SALE AGREEMENT BETWEEN THE SCHOOL BOARD OF PALM BEACH COUNTY AND THE CITY OF WEST PALM BEACH REGARDING THE PURCHASE OF TRANSFER DEVELOPMENT RIGHTS GENERATED BY THE DESIGNATION OF FOUR HISTORIC STRUCTURES AT THE DREYFOOS SCHOOL OF THE ARTS; DECLARING THE FORMER PARKING LOT AT THE MUNICIPAL GOLF COURSE TO BE SURPLUS; APPROVING THE LONG-TERM LEASE OF THE PARKING LOT AREA AT THE GOLF COURSE; AUTHORIZING EXECUTION OF A TDR SALE AND PURCHASE AGREEMENT, THE LEASE, AND ALL ANCILLIARY DOCUMENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5025-22 at First Reading and schedule a Second Reading on October 31, 2022.

Background Information:

The City has been working with the School Board of Palm Beach County for some time to designate four historic buildings at the Dreyfoos School of the Arts property. On February 23, 2022, the School Board authorized their staff to pursue historic designation for four buildings on the A.W. Dreyfoos School of the Arts campus, along with negotiation of an Interlocal Agreement with the City for purchase of the Transfer of Development Rights generated by the historic property. The designation of these properties, which was presented to the Historic Preservation Board on September 27, 2022, identified buildings #1, #2, #3 and #9 as historic on the City's Local Register of Historic Places.

With this designation, the School Board will realize the equivalent of 489,176 square feet of development rights that could be transferred through the City's TDR program to other sites within the Downtown Master Plan (DMP) area as reflected on Figure IV-35 of the DMP and shown below:

Existing buildings on site = 120,554 s.f.

Building #1 = 37,374 sf

Building #2 = 28,521 sf

Building #3 = 31,151 sf

Building #4 = 23,508 sf

TDRs available for sale = 609,731 s.f. - 120,554 (existing development) = 489,176 sf.

At a sale price of \$17 per square foot, the School Board will receive a total monetary payment of \$8,315,992.

The City intends to act as a "pass through" between the School Board and developers to assign the TDRs for projects that we anticipate are moving forward and to discourage any single developer from buying nearly half a million square feet of TDRs then not initiating construction. Like the Seaboard Train Station transactions we did with four separate developers, the City Commission will review and approve those separate agreements with the developers purchasing the Dreyfoos TDRs.

In addition to the revenue generated by the sale of the TDRs, the transaction includes the City's long term lease (50 years) to the District of a portion of the former municipal Golf Course parking lot adjacent to Forest Hill Community High School, with an estimated value of approximately \$175,000. The proposed agreement includes an option for conveyance of the parking parcel to the School Board. This lease will have no impact on the operations of the City's municipal golf course.

With the revenue garnered by the sale of the TDRs, the School Board intends to use half of the \$8.3 million towards improvements at the Dreyfoos School of the Arts campus and the other half will be earmarked for improvements at other campuses with historic buildings such as Northboro Elementary. The School Board is obligated to complete minor repairs to Building #1 (repair two rusted railings, remove plants growing out of the building, repair/replace a window on the south side) and Building #3 (repair/replace two broken windows on the east side, repair broken eave corners on west side, repair crack/peeling paint at the stairwell and repair a foundation crack) as part of this Agreement.

The benefits of approval of this Agreement are plentiful. The City will see the designation of four historic buildings with a construction date dating back to 1908, the School Board will receive more than \$8.3 million in revenue to assist in the refurbishment of several schools along with a long term lease to address some of the parking deficiencies at Forest Hill High School and the development community will receive more than 489,000 square feet of TDRs that could be used for other projects, potentially with a workforce housing component, within the downtown area.

The Agreement impacts property located within Commission District 3: President Christy Fox and Commission District 5: Commissioner Lambert.

Fiscal Note:

Payments will be due to the School Board on an installment basis, upon resale of the TDRs to a developer.

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

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

- 10.1. Public Hearing and Second Reading of Ordinance No. 5020-22 regarding a Future Land Use (FLU) Map Amendment to change the FLU designation of ±21.246 acres located at 7629 South Dixie Highway from Commercial (C) to Commercial East (CE).

The above-referenced request is being made by Joni Brinkman, of Urban Design Studio, on behalf of Palm Coast Invest LLC.

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 5020-22: 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 ±21.246 ACRES LOCATED AT 7629 SOUTH DIXIE HIGHWAY FROM COMMERCIAL TO COMMERCIAL EAST; DECLARING THE PROPOSED AMENDMENT TO THE FUTURE LAND USE MAP TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5020-22, changing the Future Land Use designation of ±21.246 acres located at 7629 South Dixie Highway from Commercial to Commercial East. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board and the findings that the request complies with the standards found in Policy 1.1.5 of the Future Land Use Element of the City's Comprehensive Plan.

Background Information:

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

Located on the west side of South Dixie Highway, north of Gregory Road, the subject property consists of ±21.246 acres and is the current location of Palm Coast Plaza, a shopping center constructed in 1959 and over 215,000 square feet amongst the main plaza and three (3) outbuildings.

Under the current FLU designation, the subject property can only be developed with commercial uses (no residential), similar to the development pattern that currently exists on the property. As such, redevelopment that allows for an ideal mix of residential and non-residential uses would not be permitted. This single-use development pattern is contrary to the vision for much of South Dixie Highway, which is desired to be a corridor consisting of shopping, entertainment, and residential uses that benefit from each other and promote efficient use of land and infrastructure, reduce dependence on the automobile, create a sense of community, etc.

While the Applicant does have the intention to redevelop the site in the future and provide for a mixed or multiple-use development across the entire property, at this time they are only requesting to change the FLU designation from Commercial (C) to Commercial (CE).

Providing for the CE FLU designation would support future redevelopment efforts and promote the “high mix of land uses” that is encouraged by the City’s Comprehensive Plan. The proposed FLU amendment would allow residential and non-residential uses to be located anywhere on the site, offering flexibility to design a project that maximizes the site’s potential during the redevelopment efforts. The proposed FLU designation is compatible and appropriate for the subject property, and subject to the voluntary restriction (as described in detail in the Staff Report), will not create any impact that would be detrimental or incompatible with the surrounding area.

It is Staff’s professional opinion that the request complies with the standards required by the City’s Comprehensive Plan, and therefore is recommending approval, subject to the conditions contained in Ordinance No. 5020-22.

PLANNING BOARD: After a Public Hearing on August 16, 2022, the Planning Board recommended approval (5-0).

PUBLIC NOTICE: Individual notices were mailed to all property owners within 500 feet of the property, and signs were posted on the subject property. Ordinance No. 5020-22 was advertised in the Palm Beach Post on October 12, 2022.

COMMISSION DISTRICT 5: Commissioner Christina Lambert.

- 10.2. Public Hearing of Resolution No. 248-22 regarding a Class A Special Use Permit to allow for the construction and placement of a dock and boatlift outside the middle one-third of the subject lot located at 234 Arlington Road.

The above-referenced request is being made by Amy D. Bahl, Esq., on behalf of Donald Kirkham, III and Monica Lynn Makarovich.

Originating Department:
Development Services

Ordinance/Resolution:
RESOLUTION NO. 248-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CLASS A SPECIAL USE PERMIT TO CONSTRUCT A DOCK AND BOATLIFT OUTSIDE THE MIDDLE ONE-THIRD OF THE LOT LOCATED AT 234 ARLINGTON ROAD; DECLARING THE DEVELOPMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; GRANTING WAIVERS TO THE ZONING AND LAND DEVELOPMENT REGULATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:
THIS ITEM IS BEING CONTINUED TO THE DECEMBER 12, 2022 CITY COMMISSION MEETING.

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.