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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
City Clerk (Interim) Jacqueline Mobley

City of West Palm Beach
City Commission
PASS/FAIL Agenda
Monday, October 31, 2022
5:00 PM

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

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

4. CIVILITY AND DECORUM

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

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

5. ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA

6. PRESENTATION - PRESENTED

- 6.1. Tribute Presentation to the Raymond F. Kravis Center for the Performing Arts in Celebration of their Thirtieth Anniversary Season. Tribute to be accepted by Diane Quinn, Kravis Center's CEO.

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. Resolution No. 281-22 approving a Second Amendment to the agreement with Micromobility Management LLC which revises the allowed station area signage for the bicycle sharing system.

Originating Department:
Mayor's Office

Ordinance/Resolution:

RESOLUTION NO. 281-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SECOND AMENDMENT TO THE AGREEMENT BETWEEN MICROMOBILITY MANAGEMENT LLC AND THE CITY OF WEST PALM BEACH REGARDING A BICYCLE SHARING SYSTEM WHICH REVISES THE ALLOWED STATION AREA SIGNAGE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The City Commission adopted Ordinance No. 4978-21 on November 15, 2021 approving an Agreement between Micromobility Management LLC (Micro) and the City of West Palm Beach Regarding a Bicycle Sharing System. The Agreement Regarding a Bike Sharing System was executed November 30, 2021 (Contract No. 27920) (the "Agreement").

Section 4.4 of the Agreement allows for a two-sided advertising/sponsorship panel at each Station Area meeting the specifications shown in Exhibit 4.4.

Currently available advertising panels have differing specifications. Micro has requested an amendment to Exhibit 4.4 to reflect its desired advertising panels and dimensions.

City staff has reviewed the proposed advertising panels and find them acceptable.

The City Commission approved Resolution No. 233-22 amending Exhibit 4.4, and the parties executed that First Amendment to the Agreement,

dated September 21, 2022, to revise the allowed dimensions for the advertising panels. Unfortunately, Micro had provided erroneous dimensions for the First Amendment, which did not accurately reflect the width dimension of the advertising panel, which is 35.25 inches.

The City and Micro desire to further amend the Agreement to properly reflect the dimensions of the approved advertising panels.

Resolution No. 281-22 will approve a Second Amendment to the Agreement to revise and replace Exhibit 4.4 to allow for the correct revised dimensions for the advertising panels.

Fiscal Note:

No fiscal impact.

- 7.2. Resolution No. 261-22 approving a Special Event License Agreement with Palm Beach County Motorcyclists Toys for Tots Inc. for the "Bill's Bikes Memorial Toy Run" event at Dreher Park on Sunday, December 11, 2022, and authorizing the issuance of an alcoholic beverages' license for the event.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 261-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SPECIAL EVENT LICENSE AGREEMENT BETWEEN THE CITY AND PALM BEACH COUNTY MOTORCYCLISTS TOYS FOR TOTS INC. FOR THE PURPOSE OF CONDUCTING BILL'S BIKES MEMORIAL TOY RUN AT DREHER PARK ON DECEMBER 11, 2022 FROM 10:00 A.M. TO 6:00 P.M.; AUTHORIZING THE ISSUANCE OF A PERMIT TO PALM BEACH COUNTY MOTORCYCLISTS TOYS FOR TOTS INC. FOR THE SALE, CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES AT THE BILL'S BIKES MEMORIAL TOY RUN SPECIAL EVENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

Pursuant to Article Section 78-152 of the City Code of Ordinances, a special event permit is required to host a special event in a City park.

Section 58-85 of the Code of Ordinances requires approval of the City Commission, subject to conditions, for the sale, possession and consumption of alcoholic beverages in a City park during a hosted special event.

Palm Beach County Motorcyclists Toys for Tots Inc. has submitted an application to produce the "Bill's Bikes Memorial Toy Run" event on

Sunday, December 11, 2022 from 10:00 A.M. to 6:00 P.M. at Dreher Park. This will be the 36th year this event is being held in West Palm Beach.

During this event, Palm Beach County Motorcyclists Toys for Tots, Inc. will serve food, alcoholic, and non-alcoholic beverages.

Palm Beach County Motorcyclists Toys for Tots Inc. will pay the City of West Palm Beach a \$952.30 special event permit fee, a \$1,000 special event security deposit and will provide the City of West Palm Beach general liability insurance and liquor liability insurance. Both insurance policies will list the City of West Palm Beach as the additional insured.

Commission District 5: Commissioner Christina Lambert.

Fiscal Note:

No fiscal impact.

- 7.3. Resolution No. 265-22(F) authorizes appropriation of \$40,000 from the ArtLife WPB Capital Project Fund towards the Northwood Village Public Art Project.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 265-22(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 ARTLIFE WPB CAPITAL PROJECT FUND BUDGET TO PROVIDE APPROPRIATIONS TO COMMISSION TWO LOCAL ARTISTS FOR THE NORTHWOOD VILLAGE PUBLIC ART PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

On September 7, 2022, the ArtLife Committee voted unanimously to recommend to the City Commission the allocation of \$40,000 from the ArtLife WPB Capital Project Fund to commission local artists Molly Aubry and Ates Isildak to create site-specific artworks for Northwood Village. An additional \$20,000 has been budgeted by the CRA for a total project budget of \$60,000.

Location: Northwood Village

About the Artists:

Local artist Molly Aubry received her BFA from the University of Florida and MFA from Cranbrook Academy of Art. Her work explores entangled perceptual worlds through the matrix of print media. Mining the tension between organic materials and digital processes, the work imagines artifacts from a world in which the natural and artificial are inextricably linked. Aubry's recent exhibitions include *Strange Paradise: A Window into Surrealism* at the Annmarie Sculpture Gardens and Art Center in Solomons, MD, *Night Visions* at the Coconino Center for the Arts in Tuscon, AZ, *Animals* at Site:Brooklyn Gallery in New York, and *Intimacy* at Science Gallery of Trinity College in Dublin, Ireland. Her public art commissions include Art in Public Places for Palm Beach County and Miami-Dade County. In 2020, Aubry's work was featured in *New Eyes*, The Mid America Print Council Journal's issue on contemporary printmaking. She has been awarded full fellowships for residencies at the Vermont Studio Center, Ragdale Foundation, Shoals Marine Laboratory, and Playa, and a Visiting Artist Grant in Moldova from the U.S. Department of State. Aubry currently teaches as an Adjunct Professor at the New World School of the Arts in Miami.

Local artist Ates Isildak received a B.A. in English Literature from the University of Central Florida and is an alumnus of Dreyfoos School of the Arts. Using short films, music videos, and photography, Ates aims to create a safe space and medium in which marginalized communities can exuberantly express themselves. Ates Isildak's works have appeared at the Museum of Contemporary Art North Miami, Spectrum Miami Art Basel, Cultural Council (Stuart & Lake Worth), Fritz Gallery. His video work has been premiered online by Troma, Spin Magazine, Flood Magazine, Office Magazine, Consequence of Sound, Noisey, and Vice. Ates Isildak was a past recipient of the South Florida Cultural Consortium.

The final concept will be presented at the City Commission meeting for final approval as Face of the City at a future date.

Commission District 1: Commissioner Cathleen Ward.

Fiscal Note:

Approval will provide appropriations for the Northwood Village public art project.

- 7.4. Resolution No. 266-22(F) authorizes the appropriation of \$50,000 from the ArtLife WPB Capital Project Fund to enhance and make permanent the Rainbow Crosswalk in Northwood Village at the intersection of Northwood Road and Spruce Avenue; and

Resolution No. 282-22(F) authorizes the acceptance of \$15,000 in sponsorship funds from Hierromat Development, LLC to enhance the Rainbow Crosswalk into the Public Art Fund.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 266-22(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 ARTLIFE WPB CAPITAL PROJECT FUND BUDGET TO PROVIDE APPROPRIATIONS TO DESIGN AND INSTALL AN UPDATED RAINBOW PRIDE CROSSWALK AT NORTHWOOD ROAD AND SPRUCE AVENUE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 282-22(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 ARTLIFE WPB CAPITAL PROJECT FUND BUDGET AUTHORIZING THE ACCEPTANCE OF SPONSORSHIP FUNDS BETWEEN HIERROMAT DEVELOPMENT, LLC AND THE CITY OF WEST PALM BEACH TO PROVIDE APPROPRIATIONS FOR A CONTRIBUTION OF \$15,000 TO THE CITY FOR THE UPGRADE TO THE RAINBOW PRIDE CROSSWALK AT NORTHWOOD ROAD AND SPRUCE AVENUE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

On September 7th, the ArtLife Committee voted five to two (5-2) to recommend to the City Commission the allocation of \$50,000 to make the Rainbow Crosswalk a permanent piece.

Currently, the Rainbow Crosswalk contains the colors of the LGBTQ Pride flag, which is painted lengthwise on pavers that are re-stripped annually. However, the paint fades and scuffs quickly mostly due to vehicular traffic, and as a result, the Rainbow Crosswalk appears un-kept making the maintenance and upkeep unsustainable. The ArtLife Committee recommends to the City Commission a permanent piece that would be durable and sustainable while continuing to recognize its' commitment to the LGBTQ community.

Resolution No. 70-21 approved the initial funding and installation of the Rainbow Crosswalk.

Resolution No. 123-21(F) accepted the donation of \$5,000 from Hierromat Development, LLC to maintain the crosswalk.

Resolution No. 282-22(F) authorizes the acceptance of a \$15,000 sponsorship from Hierromat Development, LLC to enhance and upgrade the Rainbow Crosswalk. Hierromat Development is committed to continuing their partnership with the City's ArtLife WPB program to ensure that the City's LGBTQ Community Memorial is upgraded to a permanent piece.

Resolution No. 142-22 approved the Northwood Crosswalk as a memorial for the City's LGBTQ Community.

Resolution No. 266-22(F) would allocate \$50,000 from the Public Art Fund towards the upgrade and enhancement of the Rainbow Crosswalk. Further, Hierromat Development, LLC modified its original sponsorship and increased the total to \$15,000 towards the upgrade. The total project budget is \$65,000. The budget includes commissioning internationally recognized LGBTQ artist Jose Alvarez to design the crosswalk, materials, contract for de-installation and installation and any other direct costs associated with the upgrade and enhancements of the Rainbow Crosswalk.

The design would be an iconic visual testament to the City of West Palm Beach's LGBTQ community and a proud symbol of the City's inclusiveness and equality.

The Artist: Jose Alvarez

Born Deyvi Orangel Peña Arteaga, using his moniker Jose Alvarez (D.O.P.A.), creates paintings/collages on mica, videos, installations, and performances, through which he breaks down belief systems into intersecting components of science, spirituality, and mysticism. His works burst with psychedelic patterns, colors, lush floral imagery, and traditional shamanic materials such as crystals and porcupine quills. They appear as hallucinatory portals into other realms or send-ups of them—depending on the viewer's perspective. He began his career through charismatic performances where he “channeled” the 2,000-year-old spirit of a shaman named Carlos. In front of live audiences around the world, Carlos' performances and media broadcasts have been viewed by millions of people in the United States, China, Australia, Europe, and South America.

Alvarez (D.O.P.A.) has performed and exhibited at the Whitney Museum of American Art, The Kitchen in New York, NASA Johnson Space Flight Center, Parkes Radio Telescope in Australia, Gavlak Gallery in Los Angeles and Palm Beach, Marlborough Gallery in New York, The Moore Space in Miami, Ratio 3 in San Francisco, Jeffrey Deitch in New York, the Yerba Buena Center for The Art in San Francisco, The Norton Museum of Art in West Palm Beach, Taubman Museum of Art in Roanoke, Beth Rudin DeWoody's The Bunker Artspace in West Palm Beach, The Kemper Art

Museum in Kansas City, The Drawing Center in New York and the San Antonio Museum of Art in San Antonio, Texas, among others.

The Materials

Custom colored pavers.
Cut sheets and Traffic Rating confirmed.
Three Year Warranty on materials.

Resolution No. 266-22(F) authorizes the appropriation of \$50,000 from the Public Art Fund to enhance and make permanent the Rainbow Crosswalk in Northwood Village at the intersection of Northwood Road and Spruce Avenue.

Resolution No. 282-22(F) authorizes the acceptance and appropriation of \$15,000 in sponsorship funds from Hierromat Development, LLC to enhance the Rainbow Crosswalk into the Public Art Fund.

The final concept will be presented to the City Commission for final approval as Face of the City at a future date.

Commission District 1: Commissioner Cathleen Ward.

Fiscal Note:

Approval will provide appropriations of \$65,000 to enhance and make permanent the Rainbow Crosswalk in Northwood Village.

8. PUBLIC HEARING - ALL APPROVED

- 8.1. Public Hearing and Second Reading of Ordinance No. 5025-22 approving an agreement with 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 WITH 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.

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: Commission 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.

- 8.2. Public Hearing and First Reading of Ordinance No. 5024-22 regarding a request by Brian Seymour of Gunster, on behalf of Immocorp Ventures, LLC, for a text amendment to Section 94-209 "Mixed-Use (MU) district" and Section 94-210 "Northwood Mixed-Use District (NMUD)" of Article VII "Special Districts" of the City's Zoning and Land Development Regulations relating to regulations governing development within the NMUD Core Sub-District and the design of public open space within the NMUD.

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 5024-22: 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 VII – SPECIAL DISTRICTS, SECTION 94-209 – MIXED-USE (MU) DISTRICT AND SECTION 94-210 – NORTHWOOD MIXED-USE DISTRICT (NMUD) RELATING TO REGULATIONS GOVERNING DEVELOPMENT WITHIN THE NMUD CORE SUB-DISTRICT AND THE DESIGN OF PUBLIC OPEN SPACES WITHIN THE NMUD; 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. 5024-22. This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and the findings that the text amendment is consistent with the Comprehensive Plan and complies with the standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

Background Information:

The NMUD Core Sub-district, also known as the Anchor Site, is located on the western portion of NMUD and entirely owned by the City's Community Redevelopment Agency (CRA). In 2018, the CRA issued an Invitation to Negotiate to find a developer for the Anchor Site. Immocorp Ventures, LLC, was chosen to develop the site and has worked with the CRA and Planning staff to craft a development plan for the Core Sub-district. Through the review process, it was determined that elements of the NMUD regulations that were adopted in 2018 needed to be amended in order to facilitate the development of the Anchor Site.

The majority of the changes relate specifically to the NMUD Core Sub-district, to include text, figures and tables. These changes necessitated a change to the public open space requirements for NMUD as well as some changes to the general Mixed-use regulations that are in Section 94-209. The Core Sub-district is a small portion of the NMUD and completely owned by the CRA, so staff was easily able to analyze the impacts of the proposed changes. Staff is not prepared to review the impact of expanding the changes to include additional areas within the NMUD at this time.

Section 94-209 Mixed-Use District

Section 94-209 contains definitions and standards that generally apply to both the NMUD and CMUD. There are specific instances where a regulation applies only to one of the districts.

One of the proposed changes to the NMUD Core Sub-district is to remove the number of stories from the way height is determined. Height will only be measured in feet, not in stories and feet. This mirrors the recently approved Currie Mixed-use District (CMUD) text amendment. This requires changes to the definitions of “height” and “story”.

Definitions were also added for clarification for “designated, publicly accessible private roadway”, “overhead cover”, and “public paseo” as these are new terms being introduced within NMUD. The definition for “public walkway” has been added to clarify what this means, and “street vista” was added back into the regulations, since it was inadvertently removed as part of the CMUD text amendment.

Section 94-210 Northwood Mixed-Use District

The bulk of the changes are contained within Section 94-210 as it establishes the development regulations that are specific to the NMUD, including the Core Sub-district. The text, figures and tables within Section 94-210 are being amended to reflect the following:

- a. The removal of the story measure for building height.
- b. The addition of Pinewood Avenue, between 23rd and 25th Streets, to the streets that may be abandoned as part of the Core Sub-district redevelopment. This change has necessitated additional changes to figures and text to reflect the potential abandonment as well as the replacement of Pinewood Avenue with a designated, publicly accessible private roadway. The requirements for a new designated, publicly accessible private roadway are provided.
- c. Clarifying the requirements for minimum active use and transparency within the Core Sub-district.
- d. The introduction of a public paseo within the Core Sub-district and the standards that govern the use of public paseo as part of a project. The public paseo is a feature of the Anchor Site development project.

The text amendment also updates the public open space language within the NMUD. The current Figure VII-3 Designated Public Open Spaces and Greenway Systems Regulating Plan shows locations for “New Designated Public Open Space (Required)” and “New Designated Public Open Space (Optional)”. The required open space location was shown at this location, because it was generally the middle of the CRA owned parcels when the current NMUD regulations were adopted. However, the current Anchor Site development proposal has moved the required open space to the terminus of Northwood Road. This is a more appropriate location since Northwood Road is West Palm Beach’s historic second “Main Street”

commercial corridor and a designated historic district. The new Figure VII-3 will designate the Core Sub-district as having the requirement for 10,000 square feet of public open space within the sub-district, but not at a specific location or configuration.

The two optional open spaces are being removed from Figure VII-3. The optional open space locations were conceptually tied to the incentive program that permits additional building height within the Transition Sub-district; however, since these locations are not under the control of all the potential redevelopment sites within the Transition Sub-district, it limits the use of this incentive. By removing the optional locations, it opens up the incentive to be used on any redevelopment project within the Transition Sub-district.

As part of the clarification as to where the public open space was permitted, staff also noted that the public open space typologies are not appropriate for the NMUD. The proposed public open space language and standards are consistent with what is provided in the Downtown Master Plan.

STANDARDS: The Planning Division has determined that the text amendment to Sections 94-209 and 94-210 meets all eight (8) of the required amendment standards found in Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations.

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

PLANNING BOARD: The Planning Board recommended approval (7-0) of the request to the City Commission after a Public Hearing on September 20, 2022.

COMMISSION DISTRICT: The subject property is located within Commission District 1: Commissioner Cathleen Ward.

Fiscal Note:

No fiscal impact.

9. PUBLIC HEARING - QUASI-JUDICIAL - CONTINUED

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

- 9.1. Public Hearing of Resolution No. 269-22 regarding a Major Amendment to the Casa Mara Commercial Planned Development (CPD) to allow a special use (wine store) within Retail Bay #3131.

The above-referenced request is being made by Joni Brinkman, of Urban Design Studio, on behalf of 3111 Prospect Place Equities LLC.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 269-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE CASA MARA COMMERCIAL PLANNED DEVELOPMENT (CPD), LOCATED AT 3111 SOUTH DIXIE HIGHWAY, TO ALLOW A SPECIAL USE (WINE STORE) WITHIN RETAIL BAY #3131; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

THIS ITEM IS BEING CONTINUED TO THE NOVEMBER 14, 2022 CITY COMMISSION MEETING.

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.