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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
DRAFT Agenda
Monday, November 14, 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

- 6.1. Proclaiming November 12-20, 2022 as National Hunger and Homelessness Awareness Week. Proclamation to be accepted by Pamela Payne, CEO of The Homeless Coalition and Christian Bergstrom, Board President of The Homeless Coalition.

Originating Department:
Mayor's Office

7. RECEIVED / FILED

- 7.1. Receive and File ArtLife Committee's Annual Report 2021-2022

Originating Department:
Development Services

Ordinance/Resolution:
N/A

Background Information:
Section 78-124 of the Code Of Ordinances requires that the ArtLife WPB Committee report on an annual basis to the City Commission for use of the Public Art funds and fund balance.

Fiscal Note:
No fiscal impact.

8. 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.

- 8.1. Minutes of the Regular City Commission Meeting of October 3, 2022

Originating Department:
Mayor's Office

- 8.2. Minutes of the Regular City Commission Meeting of October 17, 2022

Originating Department:
Mayor's Office

- 8.3. Resolution No. 226-22 authorizing the abandonment of a 5-foot utility easement at 141 Cortez Road.

Originating Department:
Engineering

Ordinance/Resolution:

RESOLUTION NO. 226-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, VACATING AND ABANDONING A 5-FOOT UTILITY EASEMENT WITHIN THE PROPERTY LOCATED AT 141 CORTEZ ROAD; AUTHORIZING EXECUTION OF A DISCLAIMER OF INTEREST IN SUCH EASEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

In 1924, the plat of TOLEDO created a 5-foot utility easement over the rear of Lots 33 thru 37, which fronts Washington Road. As portions of the lots have been reconfigured over the years, the easement now lies in the middle of a buildable lot. The owner has currently submitted for a building permit and the abandonment of the easement is required.

Commission District 5: Commissioner Christina Lambert.

Fiscal Note:

No fiscal impact.

- 8.4. Resolution No. 279-22 authorizing the assessment of city liens in the total amount of \$18,990.74 for unpaid water service, sewer service, and storm water service charges for the month of August 2022.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 279-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING AN ASSESSMENT OF CITY LIENS FOR UNPAID WATER SERVICE, SEWER SERVICE AND STORMWATER SERVICE CHARGES FOR THE MONTH OF AUGUST 2022; PROVIDING THAT SAID LIENS SHALL BE PRIOR IN DIGNITY TO ALL OTHER LIENS AGAINST THE ASSESSED PROPERTIES, SAVE AND EXCEPT A LIEN FOR TAXES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

In accordance with the Code of Ordinances of the City of West Palm Beach, Florida, 2003, Sections 90-4 and 90-5, the City imposes liens on private real property for delinquent payments due for utility services. The liens to be assessed by Resolution No. 279-22 are for unpaid water service, sewer service, and stormwater service charges for the month of August 2022. The list of properties to be assessed and the associated charges totaling \$18,990.74 is provided in Resolution No. 279-22 as EXHIBIT A – Utility Lien List August 2022.

Fiscal Note:

No fiscal impact.

- 8.5. Resolution No. 258-22 authorizing the approval of a grant agreement between the Florida Inland Navigation District (FIND) and the City providing \$200,000 in funding for the Currie Park Redevelopment Phase I, for engineering design and permitting of several water access features; and

Resolution No. 286-22(F) accepting and appropriating the grant funds.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 258-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A WATERWAY ASSISTANCE GRANT FROM THE FLORIDA INLAND NAVIGATION DISTRICT IN THE AMOUNT OF \$200,000 TO BE USED FOR CURRIE PARK REDEVELOPMENT--PHASE 1; AUTHORIZING EXECUTION OF THE GRANT PROJECT AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 286-22(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 2022/23 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 CAPITAL PROJECT AND SERIES 2020 GENERAL OBLIGATION BONDS FUND BUDGETS TO PROVIDE APPROPRIATIONS FOR THE RECEIPT OF A FLORIDA INLAND NAVIGATION DISTRICT (FIND) GRANT FOR CURRIE PARK REDEVELOPMENT PHASE 1 AND CITY-MATCHING FUNDS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

By Resolution No. 73-22, the City Commission authorized submission to the Florida Inland Navigation District (FIND) for a matching 50/50 Waterway Assistance Grant for Currie Park Redevelopment Phase I.

The City was successfully awarded the FIND grant in the amount of \$200,000; which is 50% of the estimated cost for the Currie Park Redevelopment Phase I scope. The matching 50% will be funded by the 2020 Parks Bond.

The grant project is for engineering design and permitting for the replacement of existing seawall with rock revetment and living shore line to naturalize the coastline and to incorporate new overwater piers to be used for recreation and education. In addition to the overwater structures, the existing boat ramp facilities will be redesigned and reconstructed to

accommodate the new elevation of the adjacent parking facilities and improve the pitch for easier staging of boats.

Commission District 1: Commissioner Catherine Ward.

Fiscal Note:

Approval will fund 50% of design and permitting and 2020 Parks Bond will fund the remaining 50%.

- 8.6. Resolution No. 288-22(F) accepting and appropriating funding in the amount of \$2,500 from The Breakers Palm Beach for the annual Share A Supper Thanksgiving Dinner.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 288-22(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 GENERAL FUND TO RECOGNIZE THE DONATION OF \$2,500 FROM THE BREAKERS HOTEL PALM BEACH FOR THE ANNUAL SHARE A SUPPER THANKSGIVING DINNER; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The Breakers Palm Beach has supported the annual "Share A Supper Thanksgiving Dinner" held in Pleasant City for over eight (8) years. They have generously donated \$2,500 to support this year's event. City staff and volunteers organize an event, which will be held in the newly renovated Pleasant City Community Center on Tuesday, November 22, 2022.

Thanksgiving meals will be served to families from the community. It is with the Breakers support that the City's Youth Empowerment Center can fulfill their mission to provide the resource necessary to make this outreach effort successful, bringing a touch of joy to the Pleasant City community during this Thanksgiving holiday.

Commission District 1: Commissioner Cathleen Ward.

Fiscal Note:

Approval recognizes the receipt of a donation and provides appropriations in the amount of \$2,500 for the "Share a Supper Thanksgiving Dinner" program.

9. RESOLUTIONS

- 9.1. Resolution No. 283-22 approving Highway Maintenance Memorandum of Agreement with the Florida Department of Transportation for maintenance of 36th Street from Australian Avenue to Flagler Drive; and

Resolution No. 284-22 approving Highway Maintenance Memorandum of Agreement with the Florida Department of Transportation for maintenance of Northshore Drive from south of the Carver Canal to north of the Carver Canal.

Originating Department:

Engineering

Ordinance/Resolution:

RESOLUTION NO. 283-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A HIGHWAY MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR MAINTENANCE OF 36TH STREET FROM N. AUSTRALIAN AVENUE TO N. FLAGLER DRIVE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 284-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A HIGHWAY MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR MAINTENANCE OF NORTHSHORE DRIVE FROM SOUTH OF CARVER CANAL TO NORTH OF CARVER CANAL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 283-22 and Resolution No. 284-22.

Background Information:

On March 28, 2016, the City Commission approved Resolution No. 90-16 authorizing submittal of an application for a Transportation Alternative Program (TAP) grant for the construction of a pedestrian bridge on North Shore Drive over the Carver Canal.

On April 11, 2017, the City Commission approved Resolution No. 120-17 and Resolution No. 121-17 authorizing the submittal of a Local Initiatives (LI) Grant, which would provide bicycle facilities, two (2) multi-use bridges across the Carver Canal on 36th Street, pedestrian scale lighting, roadway resurfacing, ADA compliant ramps and crosswalks for sidewalks on 36th Street from Australian Avenue to Flagler Drive.

Florida Department of Transportation (FDOT) awarded grant funds to the City for these two (2) projects:

- North Shore Bridge Project: \$1,010,000
- 36th Street Improvements: \$6,969,000

Because of the structural bridge components, FDOT preferred to administer the design and construction of these two projects on behalf of the City with the requirement that when completed, the City will be responsible for the maintenance of 36th Street and the Northshore Pedestrian Bridge.

On January 20, 2019, the City Commission approved Resolution No. 44-19 authorizing the FDOT to administer the Northshore Bridge Project and the 36th Street Improvements Project on behalf of the City of West Palm Beach.

On October 17, 2022, FDOT sent the City the Highway Maintenance Memorandum of Agreement (HMMA) for each of the North Shore Drive Bridge and the 36th Street projects to be signed by the Mayor and returned to FDOT to be fully executed.

Resolution No. 283-22 authorizes the City to sign the HMMA for the Northshore Bridge Project, and Resolution No. 284-22 authorizes the Mayor to sign the HMMA for the 36th Street project.

The maintenance costs associated with the 36th Street project will be negligible for at least the first ten (10) years, because there will be new infrastructure replacing old infrastructure. The North Shore Bridge project maintenance costs will also be negligible for at least the first twenty (20) years, due to this being a new bridge.

Commission District 1: Commissioner: Cathleen Ward.

Fiscal Note:

No additional fiscal impact.

- 9.2. Resolution No. 224-22 approves an agreement with RUD 1 Flagler, LLC for the acceptance of a large scale Public Art installation "Portals" by Fred Eversley as an addition to the City's Public Art collection, and to be installed in the open public space at One Flagler.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 224-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH FLORIDA, APPROVING AND AUTHORIZING A PUBLIC/PRIVATE PARTNERSHIP AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND RUD 1 FLAGLER, LLC FOR THE CITY'S ACCEPTANCE OF FRED

EVERSLEY'S LARGE SCALE PUBLIC ART INSTALLTION FOR THE PUBLIC OPEN SPACE AT ONE FLAGLER CONDITIONED BY THE CITY'S PUBLIC ART FUND CONTRIBUTION OF \$250,000 TOWARDS THE TOTAL COSTS OF THE ARTWORK; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 224-22.

The proposed Public Art concept is for One Flagler at South Flagler Drive. This motion is based on the findings that the proposed artwork meets the criteria set forth in Section 78-125 of the City Code as reviewed by the ArtLife WPB Committee.

Background Information:

On August 3, 2022, at its regularly scheduled meeting, the ArtLife Committee voted unanimously to recommend to City Commission the City's acceptance of Fred Eversley's "Portals" Public Art sculpture via a public/private partnership with RUD 1 Flagler, LLC (The Related Companies herein after Related). This partnership provides an opportunity to commission internationally renowned artist Fred Eversley to create a monumental public artwork in the City of West Palm Beach. Further, the artwork will create a destination that will draw local, national, and international attention with a seasoned and respected artist.

As part of the partnership, Related is handling all logistical responsibilities regarding the commissioning of the work including the design, fabrication, materials, crating, shipping, siting, installation, and insurance for the artwork to be placed in the open public space at One Flagler.

The City's ArtLife Committee approved and recommended from the City's Public Art reserves, a contribution of \$250,000 towards the total costs in fiscal year 21/22. The Public Art account is separate from the general fund. Further, the Public Art funds are used solely for the selection, commissioning, acquisition, installation, maintenance, administration, and programming of the ArtLife Program. The City will have an agreement with Related that acknowledges the fiscal contribution in 21/22 from the Public Art reserves and the acceptance of ownership of "Portals" by Fred Eversley from Related. Related will have a separate agreement with the artist representative.

About the Artist:

Frederick John Eversley is a Los Angeles-based sculptor, one of a group of artists associated with the 1960's "L.A. Light & Space" movement. Working out of a studio in Venice Beach, his sleek creations in poured acrylic polymers, stainless steel and bronze frequently take the form of disks, parabolas, helices, and lenses.

At first glance, the sculptures of Fred Eversley appear to be simple geometric forms: discs, parabolas, and triangular wedges. However, on further inspection, their subtleties and mysteries are revealed. All the three-dimensional works operate according to the optical principles of physics that determine the properties of lenses and mirrors. Even entirely solid forms appear to melt away either at the edges or through their centers. These pieces are alluring and seductive, drawing the viewer into them by reflecting the image of the spectator. The resulting illusion is one of personal involvement of the spectator with the work of art, as compared to the traditional distance separating the viewer from the art object.

Many of his sculptures incorporate parabolic curves that are found in a range of natural and man-made forms including suspension bridges, wind-blown sand dunes, and microwave reflectors, and Eversley is fascinated by their ability to concentrate and reflect energy into a single point.

For Fred Eversley, energy concerns, both physical and metaphysical, are central to the quality of life for all of humanity and thus are an important and fertile area for artistic investigation and activity. Most of Eversley's attention, both intellectually and aesthetically, has involved using his art forms as an expression of energy.

Fred Eversley's work has been featured at over 200 exhibitions at prestigious museums, galleries, and art festivals worldwide. He was appointed as Artist-in-Residence at the Smithsonian Institute in 1977, and for three years, he had a studio at the National Air and Space Museum. His art is in the permanent collection of 35 museums including the Whitney and Guggenheim, and he has executed 20 large public artwork commissions. Eversley was honored with the "Lorenzo di Medici" 1st prize for sculpture at the 2001 Biennale Internazionale Dell' Arte Contemporanea di Firenze in Florence, Italy.

About the Public Artwork:

"Portals" incorporates Eversley's on-going investigation with light, optical effects, and materiality. The parabola to him is "the only shape that focuses all forms of energy to a single focal point." Further he pursued how to "spin plastic around a vertical axis with an interest to make sculpture using energy concepts for making unique art of universal appeal." This large-scale site-specific public artwork pays homage to Mr. Julian Abele the African American architect for the First Church of Christ, 1928. Eight "Portals" of varying heights but placed at the same top height of 16.5' will be sited in the open space: two on the lawn, one on the path and five in the water.

An in-depth reading of Eversley' proposed concept is provided.

Materials:

Clear cast polished Polyurethane resin material that is UV resistant, hard, and durable.

Portals will be up lit with LED placed below the sculptures.

a) Complies

The proposed art conforms to the definition of art contained in this article and will be created by a professional artist. The proposed art installation will be created by Fred Eversley, an artist renowned for his vivid cast resin works, which bring a range of sensory experiences and phenomena to the viewer.

b) Master Plan

The proposed art complies with the Public Art Master Plan. The proposed work contributes to fostering art appreciation and its relationship to quality of life for this community. This is a site-specific large-scale installation that pays homage to Julian Abele's architecture.

c) Historic Significance

The work is contemporary but is influenced by the history of the church and its architect. Eversley celebrates Julian Abele and pays him direct tribute by incorporating many of the design elements of the First Church of Christ Scientist.

d) Cultural Significance

The project brings a distinct cultural experience to this community. The installation provides for a communal experience within a public space. The work moves beyond the "object" and instead creates a thoughtful story about the site that will involve the viewer.

e) Visual Accessibility

The proposed art is accessible to the public and will also be seen by passersby.

f) Quality

Proposed art installation is of high quality with durable materials.

g) Appropriateness to Site

The proposed art scale is appropriate to the site. The artist intentionally integrates the pieces into the open space including the reflective pool. The site, as a public platform, provides the dissemination of meaningful contributions that address societal and cultural histories and offers a giving tribute – a public gesture of celebration and acceptance – encouraging a communal experience.

h) Diversity

The art installation will add to the diversity to the City's Public Art collection in terms of media, innovation, and creativity by a seasoned artist who is highly respected for his contributions to the visual arts.

i) Public Welfare

The proposed art reflects an enduring artistic concept and is not detrimental to the public welfare, nor will not constitute a safety hazard.

j) Maintenance

The proposed work will require minimal maintenance, and the maintenance plan is reasonable based on value, size, materials, location, and potential for vandalism, weathering, and the anticipated life of the artwork. The maintenance of the artworks will be the responsibility of the City's ArtLife program. The Public Art account is separate from the City's general fund and a separate maintenance, restoration and repair budget is maintained within this account.

k) Valuation

The proposed arts exceed the valuation requirements of the public art requirement. One percent (1%) of total construction costs is \$910,000. The total project costs \$2,100,000.

l) Location

The proposed location for the art installation is in an exterior open space that can accommodate the size and scale of the work.

m) Artist Qualifications

The artist meets the definition of artist in the code. Fred Eversley is a highly experienced artist that can draw local, national, and international interest and attention.

n) Budget

The project budget is included as part of the proposal and one percent (1%) has being escrowed. Further, this is a public and private partnership that includes funding from the Public Art account, which is not part of the general fund. \$250,000 goes toward the art installation.

Resolution No. 224-22 acknowledges the public/private partnership between the City and Related and approves the acceptance of "Portals" by Fred Eversley as an addition to the City's Public Art collection as conveyed by Related. Resolution No. 224-22 also authorizes a contribution from the Public Art account (reserves) of \$250,000 in fiscal year 21/22.

"Portals" by Fred Eversley is to be installed in Commission District 3: Commissioner Christy Fox.

Fiscal Note:

No fiscal impact in FY 22/23. \$250,000 towards the total costs of the artwork from the Public Art Reserves in FY 21/22.

10. PUBLIC HEARING

- 10.1. Public Hearing and Second 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 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.

- 10.2. Public Hearing of Resolution No. 209-22: A request to abandon three (3) separate portions of the North Tamarind Avenue right-of-way between State Street and 19th Street, consisting of approximately 2,575 square feet.

The above-referenced item is being requested by Terri Murray, of Neighborhood Renaissance, Inc.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 209-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, VACATING AND ABANDONING THREE (3) SEPARATE PORTIONS OF THE NORTH TAMARIND AVENUE RIGHT-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE A DISCLAIMER OF INTEREST IN THE AFORESAID RIGHT-OF-WAY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 209-22.

Background Information:

Located on the east and west sides of North Tamarind Avenue, Neighborhood Renaissance has proposed four (4) development projects consisting of affordable multifamily residential units and a limited amount of commercial square footage. Three (3) of the development sites, located between State Street and 19th Street, include the abandonment of a portion of the Tamarind Avenue right-of-way, totaling approximately 2,575 square feet.

Resolution No. 209-22 would vacate and abandon the 2,575 square feet of the right-of-way upon receipt of \$20,500 as compensation for the value of the right-of-way, as estimated by an appraisal conducted by Anderson & Carr, Inc. (Attachment 1).

CONCLUSION: It is staff's professional opinion that the right-of-way proposed to be abandoned is no longer needed and that adding the square

footage to the development projects would allow them to proceed forward and provide new construction along the Tamarind Avenue corridor.

PUBLIC NOTICE: In accordance with Section 78-215 of the City's Code of Ordinances, individual notices were mailed to all property owners within 500 feet of the property, and signs were posted on the subject right-of-way.

COMMISSION DISTRICT 1: Commissioner Cathleen Ward.

11. PUBLIC HEARING - QUASI-JUDICIAL

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

- 11.1. Public Hearing and First Reading of Ordinance No. 5019-22 designating a portion of the A.W. Dreyfoos School of the Arts on the West Palm Beach Register of Historic Places.

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 5019-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DESIGNATING THE A.W. DREYFOOS SCHOOL OF THE ARTS AS AN HISTORIC DISTRICT ON THE WEST PALM BEACH REGISTER OF HISTORIC PLACES; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5019-22 on First Reading and schedule Second Reading for November 28, 2022.

Background Information:

This application is for the nomination of four (4) structures and one (1) entry arch on the A.W. Dreyfoos School of the Arts (DSOA) Campus as an Historic District in the West Palm Beach Register of Historic Places. The approximately seven (7) acre area within the high school campus is located approximately between the north side of Iris Street to the south, the south side of Gardenia Street to the north, the west side of Sapodilla Avenue to the east and approximately half way into the campus heading west.

The DSOA Historic District is significant under Criteria A and C. Criterion A is for significance because of association with events that have made a significant contribution to the broad patterns of the City's history. Under Criterion A, DSOA is significant for its role in community development, specifically as a pioneer and boom time educational center in West Palm Beach in the years 1908-1924 and the World War II period up to 1941.

Criterion C is for significance related to distinctive characteristics of a type, period or method of construction, representative works of a master, possession of high artistic value, or representation of significant and distinguishing entity whose components may lack individual distinction. Under Criterion C, DSOA is significant for its collection of architecture representative of the period from 1908 to 1941. Building One, constructed in 1924, represents the Mediterranean Revival style. Building Two, constructed in 1908, represents the Mediterranean Revival style. Building Three, constructed in 1915, represents the Mediterranean Revival style. Building Nine, constructed in 1941, represents the Art Deco style. The entry arch, off of Sapodilla Avenue, also represents the art Deco style built in 1922.

On September 27, 2022, the Historic Preservation Board unanimously (7-0) recommended its designation.

The subject site is located in Commission District 3: Commissioner Christy Fox.

- 11.2. 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:

Approve Resolution No. 269-22 for a major amendment to the Casa Mara Commercial Planned Development (CPD) to allow a special use (wine store) within Retail Bay #3131. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board, the findings that the request complies with the Comprehensive Plan, and the standards in Section 94-32 of the City's Zoning and Land Development Regulations.

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, approximately ¼ mile south of Belvedere Road, and ½ mile north of Southern Boulevard, the subject property consists of a single parcel totaling ±9.32 acres.

Originally constructed as a retail center, including a Sears and Winn-Dixie grocery, the subject property was eventually converted into an office complex and primarily designed as a suburban strip center with the building pushed to the far west side of the property, away from the main thoroughfare and over 5.36 acres of surface parking located in front of the building.

To bring a renewed sense of energy to the site and transform the property into a modern multiple-use center that offers retail, restaurant, office, and residential uses, the owner of the property was approved in September 2018 (Resolution No. 227-18) to redevelop the entire site with 300 multifamily dwelling units and ±16,000 square feet of commercial uses. All existing improvements on the site were removed and a new mixed and multiple-use development is now complete.

Since the completion of the development, the tenant build-out for the ground floor commercial spaces along South Dixie Highway has been taking place and progressing quickly. A coffee shop has been open for some time, and other spaces are in the process.

With the establishment of the CPD, a specific list of permitted uses was adopted to ensure long-term protection of the development, and most importantly the surrounding area, from undesirable uses that may have otherwise been permitted. One of the new commercial tenants proposed is a wine store, which has been identified as a potential occupant of Commercial Bay #3131, consisting of 1,229 square feet located at the northeast corner of Building #1, just south of the main entrance.

Pursuant to the City's Zoning and Land Development Regulations (ZLDRs), wine stores are classified as "Convenience Stores, Food, Specialty Food And Beverage Sales (Including Sale Of Alcoholic Beverages)". As such, within the Casa Mara CPD they are classified as a "Special Use."

After review of the proposed use, the location at which it is proposed, and the minimal external impact that would result, it is staff's professional opinion that subject to the conditions of approval contained in Resolution No. 269-22, the use will complement the other uses proposed/permitted within the mixed use development as well as those uses that can be found along and around the South Dixie Highway corridor. A wine store, and the

associated tastings, will not result in a substantial impact. As such, staff has determined that the request satisfies all of the standards found within the City's ZLDRs, and therefore, is recommending approval of the request subject to the conditions outlined in Resolution No. 269-22.

PLANNING BOARD: After a Public Hearing on September 20, 2022, the Planning Board recommended approval (7-0), subject to the conditions outlined in Resolution No. 269-22.

PUBLIC NOTICE: Individual notices were mailed to all property owners within 500 feet of the property, and signs were posted on the subject property. Resolution No. 269-22 was also advertised in the Palm Beach Post on November 4, 2022.

COMMISSION DISTRICT 5: Commissioner Christina Lambert.

12. 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.

13. COMMENTS BY THE MAYOR AND CITY COMMISSIONERS

14. 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.