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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
Agenda
Monday, November 28, 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

- 6.1. Presentation of activities for the 2022 Holiday in Paradise presented by Florida Power and Light.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

N/A

Background Information:

Sandi, the World's only 700 ton, 35-foot tall holiday tree sculpted from sand, returns to the West Palm Beach Waterfront this December. Holiday in Paradise presented by Florida Power and Light celebrates Sandi's 11th season with her recognition as winner of USA TODAY's 10Best Readers' Choice for "Best Public Holiday Lights Display" in the country.

Sandi and her synchronized music and light show will kick off at the annual Clematis by Night Tree Lighting on December 1st and run nightly on the quarter hour from 6 – 10 p.m. (except on days when there are special events) through December. On Saturday, December 31, Sandi's shows will extend till midnight. Sandi and four (4) additional 25-ton, satellite sand sculptures can also be seen in their daytime glory throughout the month.

Bolstered by her "big deal" status Sandi, invited her "big wheel" cousin Ferris to join the December holiday fun. Residents and visitors can get a sky-high view and selfie with Sandi's during her nightly light shows. Tickets are available to ride Ferris: a 60' plus Ferris wheel complete with its own sparkling personality.

In addition to Ferris, Sandi, and her nightly shows, Holiday in Paradise, includes several opportunities for free or low-cost family friendly holiday-themed fun, including weekly Clematis by Night Sandi Tree concerts, Screen on the Green's holiday double feature on December 9; Sandi and Santa's Annual Pancake Breakfast on December 17; Sunday on the Waterfront featuring the Aloha Islanders on December 18 and Sandi's Last Night on New Year's Eve on December 31 until 12 midnight.

The Mandel Public Library of West Palm Beach will again be Sandi's official mail center whereby kids can write and drop off a letter to Sandi and receive a personalized response. The Raymond F. Kravis Center for the Performing Arts, which is celebrating its own "big deal" 30th Anniversary, is the Community Partner for 2022.

In addition to the USA TODAY 10Best recognition, Sandi has received numerous international and regional awards and accolades including "Best New Event" and "Best Event within an Existing Festival" by the International Festivals and Events Association, "Most Innovative Project" by the Florida

Festivals and Events Association and, most recently, a Henry Award from VISIT FLORIDA. Sandi has been featured by The Huffington Post, Thrillist, CNN, Martha Stewart, Travel + Leisure, and The Ellen Show. She even has her own closely followed social media accounts! Follow Sandi on Twitter, Instagram, and Facebook @Sanditreewpb.

Holiday in Paradise, presented by FPL, sponsors-to-date include: Florida Power and Light, Joe DiMaggio Children's Health Specialty Center, Land Rover Palm Beach, The Palm Beaches, NewDay USA, 97.9 WRMF, SUNNY 107.9, New Country 103.1, X102.3, PARTY 96.3, News Talk 850 WFTL, FOX Sports 640 AM, WPBF 25 News, the West Palm Beach Downtown Development Authority, Best Western Palm Beach Lakes, Hawthorne Suites by Wyndham West Palm Beach, WPB Magazine, West Palm Beach Marriott, West Palm Beach Community Redevelopment Agency, and The Palm Beach Post.

Commission District 3: Commissioner Christy Fox.

7. CONSENT CALENDAR

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

7.1. Minutes of the Regular City Commission Meeting of October 31, 2022

Originating Department:

Mayor's Office

7.2. Resolution No. 225-22 authorizing the abandonment of two (2) 15-foot easements within Lots 5, 7, 8, 9, 10, 11, and 12, Block N, Northwood Plat No. 7 located at 750 27th Street.

Originating Department:

Engineering

Ordinance/Resolution:

RESOLUTION NO. 225-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, VACATING AND ABANDONING TWO (2) 15-FOOT UTILITY EASEMENTS WITHIN THE PROPERTY LOCATED AT 750 27TH STREET; AUTHORIZING EXECUTION OF A DISCLAIMER OF INTEREST IN SUCH EASEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

In April of 1925, the Northwood Plat No. 7 created 15-foot easements through various parcels for utilities and other purposes.

The current owner of the property, JESAJ West Palm Beach, LLC, received approval of ISPR (Informal Site Plan Review) 20-12 on May 26, 2021 for various site improvements.

A condition of the approval was the abandonment of the two (2) 15-foot easements. Approval of Resolution No. 225-22 will satisfy this requirement and allow for the project to proceed.

Commission District 1: Commissioner Cathleen Ward.

Fiscal Note:

No fiscal impact.

- 7.3. Resolution No. 236-22 authorizing the abandonment of a 3-foot utility easement within Lots 24 and 25, Block 4, Bellevue Addition to West Palm Beach located at 909 Upland Road.

Originating Department:

Engineering

Ordinance/Resolution:

RESOLUTION NO. 236-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, VACATING AND ABANDONING A 3-FOOT UTILITY EASEMENT WITHIN THE PROPERTY LOCATED AT 909 UPLAND ROAD; AUTHORIZING EXECUTION OF A DISCLAIMER OF INTEREST IN SUCH EASEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

In 1926, the plat of Bellevue dedicated easements for public utilities. In order for a house to be built at 909 Upland Road, the owner had to relocate an existing pole line and grant a replacement utility easement. That easement has since been recorded in the Public Records of Palm Beach County in Official Record Book 33874, Page 1260.

Approval of Resolution No. 136-22 will allow for the underlying easement to be abandoned and the construction of the residence to proceed.

Commission District 5: Commissioner Christina Lambert.

Fiscal Note:

No fiscal impact.

- 7.4. Resolution No. 298-22 approves a Conditional Settlement Agreement totaling \$34,000 in the matter of City of West Palm Beach v. Eva Roffe and Maor Roffe; approves an Interlocal Agreement between the City of West Palm Beach and the West Palm Beach Community Redevelopment Agency regarding the CRA's funding of the City's purchase of real property located at 1019 N. Rosemary Avenue, West Palm Beach, Florida 33401; and approves a corresponding Purchase and Sale Agreement between the City of West Palm Beach and Warm Sunshine Holdings, LLC, for the City's purchase of real property located at 1019 N. Rosemary Avenue, West Palm Beach, Florida 33401.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 298-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CONDITIONAL SETTLEMENT AGREEMENT TOTALING \$34,000 IN THE MATTER OF CITY OF WEST PALM BEACH v. EVA ROFFE AND MAOR ROFFE; APPROVING AN INTERLOCAL AGREEMENT WITH THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY REGARDING FUNDING FOR THE PURCHASE OF REAL PROPERTY LOCATED AT 1019 N. ROSEMARY AVENUE, WEST PALM BEACH, FLORIDA 33401; APPROVING A PURCHASE AND SALE AGREEMENT BETWEEN THE CITY AND WARM SUNSHINE HOLDINGS, LLC, FOR THE CITY'S PURCHASE OF REAL PROPERTY LOCATED AT 1019 N. ROSEMARY AVENUE, WEST PALM BEACH, FLORIDA, 33401, FOR A PURCHASE PRICE OF THIRTY-FOUR THOUSAND DOLLARS (\$34,000); PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The City of West Palm Beach sought to foreclose on the real property located at 1019 N. Rosemary Avenue, West Palm Beach, FL 33401 (the "Property") by way of a complaint in the Fifteenth Judicial Circuit in an action entitled City of West Palm Beach v. Eva Roffe, an individual, and Maor Roffe, an individual. The City has reached a settlement agreement with Eva Roffe and Maor Roffe to resolve the matter by purchasing the Property from Warm Sunshine Holdings LLC, to which Eva Roffe and Maor Roffe quit claimed the Property, for a total of \$34,000. The acquisition of the Property will be conducted pursuant to a Purchase and Sale Agreement between the City and Warm Sunshine Holdings LLC, and will be funded by the West Palm Beach Community Redevelopment Agency ("CRA") way of an Interlocal Agreement with the City.

Section 2-268(g)(4) of the Code of Ordinances of the City of West Palm Beach, Florida, provides that the authority for settlement of all claims over \$30,000 shall require the approval of the City Commission by formal resolution. Resolution No. 298-22 approves the Conditional Settlement

Agreement between the City and Eva Roffe and Maor Roffe; approves the Interlocal Agreement between the City and CRA approving the CRA's funding of the acquisition of the Property by the City; and approves the corresponding Purchase and Sale Agreement between the City and Warm Sunshine Holdings LLC.

Fiscal Note:

The settlement and acquisition of the real property at issue will be funded by the West Palm Beach Community Redevelopment Agency.

8. RESOLUTIONS

- 8.1. Resolution No. 304-22(F) authorizes amending the General Fund and various other fund budgets for changes in estimated revenues and expenditures for Fiscal Year 2021/2022 ending September 30, 2022.

Originating Department:

Finance

Ordinance/Resolution:

RESOLUTION NO. 304-22(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2021/2022 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GENERAL FUND AND VARIOUS OTHER FUNDS BUDGETS TO PROVIDE APPROPRIATIONS FOR CHANGES IN ESTIMATES FOR REVENUES AND EXPENDITURES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 304-22(F).

Background Information:

Section 166.241, F.S. (Municipalities) provide specific requirements for local governments to follow when adopting annual budgets, and one of the requirements allows for budget amendments also known as "clean-up" to occur up to 60 days after the fiscal year ends.

It states: The adopted budget may be amended at any time during the fiscal year or within sixty (60) days following the end of the fiscal year. If the amendment increases the total amount of expenditures by fund or department, the budget amendment must be adopted in the same manner as the original budget unless otherwise specified in the local government's charter.

This is an annual resolution that authorizes changes to budget appropriations within the fiscal year to recognize additional budget

allocations from revenues received; additional expenditures that have occurred and for any transfers for accounting purposes.

The General Fund amendments for budget overruns will not require the use of fund balance. The Contingency amount (\$1,687,456) that was part of the adopted FY22 budget can be utilized for the \$969,000 of FY22 General Fund needs (excluding the transfer to the Self Insurance Fund), thus not increasing the General Fund budget or impacting fund balance.

The largest component of the "clean-up" resolution is the General Fund amendment for the transfer of funds to the City's Self Insurance Fund, which will require the use of discretionary fund balance and increase the FY22 General Fund budget by \$5.1M. During the FY23 budget process, staff had discussions regarding the challenges in the Self-Insurance Fund relating to workers compensation and liability claims and the need for future General Fund assistance. Due to increasing claims and coverage costs, the Self Insurance fund is currently in a deficit. This transfer is needed to prevent a negative fund balance per the Governmental Accounting Standards Board (GASB) requirements.

General Fund Amendment Summary:

Police Overtime - \$350,000

Sanitation Equipment Maintenance - \$384,000

Sanitation Waste Disposal - \$235,000

Use of Contingency- (\$969,000)

Transfer to Self Insurance Fund - \$5,100,000

Use of Discretionary Fund Balance - (\$5,100,000)

Self Insurance Fund Amendment Summary:

Workers Comp Claims - \$5,100,000

The Fleet Management fund is in need of additional budget appropriations due to the increased costs of fuel and parts needed to maintain City vehicles. Additional revenue is being recognized to offset budget overruns, so there will be no impact to fund balance.

Fleet Management Amendment Summary:

Diesel Fuel - \$384,000

Contractual Services (Parts) - \$340,000

Expenditure Total (offset by additional revenue) - \$724,000

Fiscal Note:

Approval will provide appropriations for budget overruns and a transfer to the Self Insurance Fund for increased claims costs.

- 8.2. Resolution No. 306-22 approving interim standards for Commission review of residential projects, which will increase the supply of affordable housing, as permitted by Section 166.04151, Florida Statutes.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 306-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, PROVIDING INTERIM STANDARDS FOR COMMISSION REVIEW OF RESIDENTIAL PROJECTS, WHICH WILL INCREASE THE SUPPLY OF AFFORDABLE HOUSING, AS PERMITTED BY SECTION 166.04151, FLORIDA STATUTES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 306-22.

Background Information:

In 2001, the Florida Legislature amended the Municipal Home Rule Powers Act creating Section 166.04151, entitled Workforce Housing. This amendment specifically allowed municipalities to adopt laws, ordinances, rules, and other measures, which increase the supply of affordable housing, notwithstanding any other provision of law to the contrary. In 2020, the Florida Legislature amended the workforce housing section allowing governing bodies to review applications for development of affordable housing on any parcel zoned for residential, commercial, or industrial use.

The Planning Division is currently working on workforce housing provisions as directed by the City Commission at its October 24, 2022, Mayor/Commission Work Session and anticipates the process will take six (6) months to complete. This resolution establishes interim standards to provide guidance in the processing of applications, while the permanent land development regulations are being drafted.

The Resolution establishes the following Special Review standards that all developments using F.S. 166.04151 shall be evaluated on:

1. Traffic Impacts;
2. The form and scale of each building and application of the requirement as defined in the Workforce/Affordable Housing Density Bonus Guidelines (Attachment I);
3. Compatibility with surrounding properties and adjacent neighborhoods;

4. Sufficiency of setbacks, screens, buffers, and general amenities to preserve the internal and external harmony with the character and the uses inside and outside the proposed development;
5. Land area is sufficient;
6. Unit type and the income levels served by the development are needed; and
7. Suitability of a development in an Industrial zoning district.

Affordability requirements shown in Attachment I are in line with City policy. Staff has included a section in the Resolution that permits waivers and variances to the underlying zoning regulations and the Workforce/Affordable Housing Density Bonus Guidelines shown in Attachment I. One issue that staff needs direction on is whether the Commission wants to regulate the maximum guidelines for density and height as recommended, or have the ability for the Commission to waive them. The Planning Staff would recommend that we have a limit on density and height and treat the projects just like we do in the Downtown Master Area with a maximum building envelope for developments.

Adoption of Resolution No. 306-22 will serve to provide standards applicable to projects submitted to the Commission for review pursuant to Section 166.04151, Florida Statutes.

Fiscal Note:

Not applicable.

9. PUBLIC HEARING

- 9.1. Public Hearing and First Reading of Ordinance No. 5027-22 amending Chapter 94 Article IV: Downtown Master Plan, Section 94-105 Use Requirements, and Section 94-111 Parking and Loading Requirements to modify specific regulations regarding existing (P16) off-site accessory surface parking lots in residential sub districts; and Section 94-127 Brelsford Park District, Section 94-128 Northwest Neighborhood District, and Section 94-132 – Transfer of Development Rights Program to modify provisions regarding private open space requirements for certain subdistricts.

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 5027-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING ARTICLE IV - DOWNTOWN MASTER PLAN URBAN

REGULATIONS – SECTION 94-105 USE REQUIREMENTS, AND SECTION 94-111 PARKING AND LOADING REQUIREMENTS TO MODIFY SPECIFIC REGULATIONS REGARDING EXISTING OFF-SITE ACCESSORY SURFACE PARKING LOTS IN RESIDENTIAL SUB DISTRICTS; AND SECTION 94-127 BRELSFORD PARK DISTRICT, SECTION 94-128 NORTHWEST NEIGHBORHOOD DISTRICT, AND SECTION 94-132 – TRANSFER OF DEVELOPMENT RIGHTS PROGRAM TO MODIFY PROVISIONS REGARDING PRIVATE OPEN SPACE REQUIREMENTS FOR CERTAIN SUBDISTRICTS; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5027-22 amending Article IV, Downtown Master Plan Urban Regulations - Section 95-105 Use Requirements, and Section 94-111 Parking and Loading Requirements; and Section 94-127 Brelsford Park District, Section 94-128 Northwest Neighborhood District, and Section 94-132 - Transfer of Development Rights Program.

Background Information:

It is both the City Planning Division's and Community Redevelopment Agency's (CRA) desire to eliminate the provisions included within the use requirements of Section 94-105 (d.)(P16) for existing surface parking lots; as the existing standards are no longer applicable or desirable to the context of the impacted neighborhoods and districts. The requested changes are in response to increased demand and intensity of activity and commercial uses within both the Northwest Neighborhood and Brelsford Park Districts. Amending the provisions within the use requirements and subsequent landscape or parking language, provides flexibility to both existing and future land uses. Clear standards in setbacks and landscape buffers are maintained as part of these existing or permitted surface parking uses.

The CRA is actively working with the various churches and owners of many of the existing parking lots identified within Figure IV-2 of the ZLDRs. The Northwest Neighborhood contains a majority of these surface lots. Both the City and CRA wish to renovate these spaces, bring them up to code compliance, and provide improved parking access to the growing neighborhood.

The current DMP regulations include specific standards for the provision of public and private open spaces. The standards, included in Table IV-7 of Section 94-109, establish the minimum size of the open space, the adjacent active use abutment, minimum seating and other minimum characteristics intended to ensure the quality of the open space provided.

In recent months, Planning staff has identified the need to clarify certain standards within the building requirements tables, specifically, the standard for the provision of private open space within the Section 94-128 Northwest

Neighborhood District (NWD), Section 94-127 Brelsford Park District (BPD), and their respective incentive tables shown in Section 94-132. Planning staff has recognized recent project proposals in which developers and applicants have had issues meeting the minimum Private Open Space requirement of 12% on lots less than 25,000 square feet. Planning staff has identified that this provision within districts that are heavily-catered toward lower-scale mixed use and residential development negatively constrains the already smaller parcels or properties (standard parcels within NWD are approximately 50'x150', requiring almost 900 square feet of private open space on lots only containing 7,500 square feet in total). The significant requirement results in non-optimal private open spaces which are designed to meet a standard rather than to provide an amenity or aesthetic enhancement for private users. As a result, projects within the NWD and BPD districts provide private open spaces that are either too small, disconnected, or not adequately meeting the intent of code.

Based upon these observations and recognizing the provision is perhaps not appropriate for these districts or the lots below 25,000 square feet, staff is recommending an amendment to remove the 12% private open space standards within the NWD and BPD building requirement tables. The removal of this provision would impact the BPD-5, NWD-8, NWD-5, NWD-4, NWD-2, and NWD-2C sub districts, as well as the NWD 2-4, and NWD 3-4 Transfer of Development Rights Incentive districts found in Section 94-132.

Commission District 3: Commissioner Christy Fox.

10. PUBLIC HEARING - QUASI-JUDICIAL

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

- 10.1. Public Hearing and Second Reading of Ordinance No. 5019-22 to designate 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 A.W. DREYFOOS SCHOOL OF THE ARTS AS AN HISTORIC DISTRICT ON THE WEST PALM BEACH REGISTER OF HISTORIC PLACES, AS FURTHER LEGALLY DESCRIBED HEREIN; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5019-22 on Second Reading.

Background Information:

This application is for the nomination of four structures and one 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 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 within Commission District 3.

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; and 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.

Commission District 3: Commissioner Christy Fox.

- 10.2. Resolution No. 287-22: A request by Akbar Mondal Nunez, of Boat Lifts & Docks of South Florida, on behalf of John Rost, for a Class A Special Use Permit (with waivers) to allow the installation of two (2) boat lifts on an existing dock outside the middle one-third of the lot located at 3400 North Flagler Drive.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 287-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CLASS A SPECIAL USE PERMIT TO INSTALL TWO (2) BOAT LIFTS ON AN EXISTING DOCK OUTSIDE THE MIDDLE ONE-THIRD OF THE LOT LOCATED AT 3400 NORTH FLAGLER DRIVE; 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:

Approve Resolution No. 287-22.

Background Information:

The subject property is located on the northeasterly side of North Flagler Drive, within a single-family residential area. The rear (northeasterly side) of the property has access to and contiguous riparian rights to the Intracoastal Waterway (Lake Worth Lagoon, Class III Waters). An analysis of the general area shows that the majority of residential lots along the Intracoastal Waterway are currently built with an accessory dock. A location map of the subject area is provided in EXHIBIT A.

The applicant is requesting approval of a Class A Special Use Permit to allow the installation of two (2) boat lifts (13,000 pound 4-post boat lift and 60,000 pound 8-post boat lift) on an existing dock outside the middle one-third of the subject lot, as extended into the waterway, thereby necessitating a waiver. Also, the applicant is seeking a waiver for the placement of one (1) of the boat lifts, which creates the situation of a watercraft docked in a position extending beyond the northwesterly side setback line required for the principal structure on the subject property, as extended into the waterway.

The installation of the boat lifts will not adversely impact the surrounding properties, and with the exception of the waivers request, the boat lifts have been found to conform to all of the provisions of the City's Zoning and Land Development Regulations.

The Planning Board recommended approval with conditions (6-0) of this request to the City Commission after a Public Hearing on October 18, 2022, based on the testimony presented at the hearing, along with the application submitted and the Staff Report, that the request does comply with the standards for the Class A Special Use Permit.

STANDARDS: Staff has found the requested Class A Special Use Permit complies with the special use review criteria as established in Section 94-36 of the City's Zoning and Land Development Regulations.

NOTICES: Pursuant to the requirements of Section 94-39(i)(5) and 94-39(j)(2) of the City's Zoning and Land Development Regulations, the site was posted, individual notices were mailed to property owners within 500 feet of the subject property, and the Resolution was advertised in the Palm Beach Post. To date, the City has not received any inquiry regarding the general nature of this request.

Commission District 1: Commissioner Cathleen Ward.

- 10.3. Resolution No. 289-22: A request by Peter R. Gallo, of Landplan Engineering Group, Inc., on behalf of Palm Beach Medical Property, LLC, for a replat of the subject property, consisting of approximately 0.92 acres (40,249 square feet), located at 6910 South Dixie Highway.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 289-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MINOR SUBDIVISION (REPLAT) OF REAL PROPERTY TO CREATE THE PLAT ENTITLED "PALM BEACH MEDICAL PROPERTY", CONSISTING OF ONE (1) PARCEL AND CONTAINING A TOTAL OF APPROXIMATELY 0.92 ACRES LOCATED AT THE NORTHEAST CORNER OF SOUTH DIXIE HIGHWAY AND MADDOCK STREET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 289-22 creating the plat entitled "Palm Beach Medical Property." This motion is based upon the application submitted, the staff report, factual testimony, and the findings that the request complies with the Comprehensive Plan and the standards in Section 94-342 of the City's Zoning and Land Development Regulations.

Background Information:

The subject property is one (1) individual parcel, consisting of 0.92 acres (40,249 square feet), located at the northeast corner of South Dixie Highway and Maddock Street. A location map of the subject area is provided in EXHIBIT A.

The subject property has an approved, subject to conditions, Informal Site Plan Review Application (ISPR Case No. 21-01) for an outpatient surgical center that is connected with the passed and adopted Alley Right-of-Way Abandonment Application (PB Case No. 1880 per Resolution No. 46-22). The approval and recording of the subject replat is one of the conditions of approval for ISPR Case No. 21-01.

Therefore, the applicant desires to combine the various lots and the abandoned alley from the underlying plat of Broadmoor Section 4 into one (1) lot on the subject property to satisfy one of the conditions of approval of ISPR Case No. 21-01 and to create the plat entitled "Palm Beach Medical Property".

STANDARDS: Staff has found the requested Minor Subdivision (Replat) complies with the subdivision general design standards as established in Section 94-342 of the City's Zoning and Land Development Regulations.

NOTICES: Pursuant to the requirements of Section 94-39(i)(5) and 94-39(j)(2) of the City's Zoning and Land Development Regulations, the site was posted, individual notices were mailed to property owners within 500 feet of the subject property, and the Resolution was advertised in the Palm Beach Post. To date, the City has not received any inquiry regarding the general nature of this request.

Commission District 5: Commissioner Christina Lambert.

- 10.4. Public Hearing of Resolution No. 210-22 Minor Subdivision Plat - 'Flagler Station' Replat.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 210-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A REPLAT OF REAL PROPERTY TO CREATE THE PLAT ENTITLED "FLAGLER STATION" CONSISTING OF ONE DEVELOPMENT TRACT TOTALING APPROXIMATELY 0.765 ACRES LOCATED AT 951 BANYAN BOULEVARD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 210-22 creating the plat entitled "Flagler Station". This motion is based upon the application submitted, the staff report, factual testimony, and the findings that the request complies with all applicable provisions of Chapter 177, Florida Statutes, the Comprehensive Plan and the standards in Section 94-342 of the City's Zoning and Land Development Regulations.

Background Information:

The subject Flagler Station site consisting of approximately 0.765 is located at 951 Banyan Boulevard. The project received site plan approval from the Downtown Action Committee on June 10, 2020 and is nearing completion of its construction. The approved structure features an 8-story mixed-use residential building consisting of 70 microunits and 24 standard

units. All units will be affordable. The replat of the property satisfies a condition of the site plan approval to replat the property prior to issuance of the Certificate of Occupancy (CO).

Commission District 3: Commissioner Christy Fox.

11. COMMENTS FROM THE PUBLIC

Public comments are limited to 3 (three) minutes. Anyone wishing to address the Commission should complete a "Comments by the Public" card and present it to the City Clerk prior to the Public Comments. When you are called to speak, please go to the podium and state your name and address for the record prior to addressing Commission. The Commission will not discuss the matter nor respond to the comment this evening. Comments made will become part of the record and may be addressed at a later date.

12. COMMENTS BY THE MAYOR AND CITY COMMISSIONERS

13. ADJOURNMENT

*Pursuant to Resolution No. 179-95, adopted according to the provisions of Section 286.0115, Florida Statutes, members of the Commission shall disclose on the record: 1) ex-parte communications - verbal or written 2.) written communications shall be placed in the record; and 3) site visits, investigations, etc. shall be disclosed.

NOTICE: If any person decides to appeal any decision made by the City Commission at this meeting, that person will need a record of the proceedings, and that, for such purposes, may need to ensure that a verbatim records of the proceedings be made, which record includes the testimony and evidence upon which the appeal is based. The City of West Palm Beach does not prepare or provide such record.