

MEETING MINUTES

December 20, 2022
Commission Chambers
401 Clematis Street | West Palm Beach, FL 33401

These minutes are a summary of the meeting events and may not reflect all discussion that occurred. Copies of the agenda, backup material and presentations may be obtained from the City of West Palm Beach Planning Division. Recordings of the meeting are available for review at www.youtube.com/WestPalmTV.

I. CALL TO ORDER / ROLL CALL

Chairperson Steven Mayans called the meeting to order at 6:00pm.

Ms. Laura Hall, Board Secretary, called the roll and **it was determined that a quorum was present**, as depicted in the table below.

Board Members:	Present	Absent
Steven Mayans Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Peter Pivko Vice Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Carla Bryant Member	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will Corrente Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patrick Mayfield Member	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Andres Paradelo Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Deborah Raing Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jean Marseille, Jr. Alternate	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Staff Members Present:
Richard Greene, AICP Development Services Director
Dodi Glas, AICP Assistant Director of Development Services
Angella Jones-Vann, AICP Planning & Zoning Administrator
John Roach, AICP Principal Planner
Linda Louie, AICP Senior Planner
Tazia Kirkwood Sr. Administrative Assistant (Board Secretary)
Samuel Thomas Sr. Assistant City Attorney (Board Attorney)
Laura Hall Administrative Assistant I (Board Secretary)

II. APPROVAL OF THE MINUTES

Mr. Peter Pivko made a motion to **APPROVE** the minutes from November 15, 2022.

Mr. Jean Marseille, Jr. seconded the motion; the motion **PASSED 5-0**, as depicted in the table below.

Board Members:	Yes	No	Absent	Recused	Non-Voting
Steven Mayans Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Peter Pivko Vice Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carla Bryant Member	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Will Corrente Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patrick Mayfield Member	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Andres Paradelo Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Deborah Raing Member	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jean Marseille, Jr. Alternate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Note: Ms. Deborah Raing arrived at 6:06pm and was not in attendance during Approval of the Minutes.

III. REPORT FROM PLANNING DIVISION STAFF

Mr. John Roach, Principal Planner, provided an update on cases that were recently heard, or are scheduled to be heard, by the City Commission.

IV. REMARKS BY THE CHAIRPERSON

Chairperson Mayans wished everyone a happy holiday season.

V. DECLARATION OF EX-PARTE COMMUNICATION

Board Members:	Ex-Parte Communication
Steven Mayans Chairperson	None.
Peter Pivko Vice Chairperson	None.
Carla Bryant Member	Absent.
Will Corrente Member	None.
Patrick Mayfield Member	Absent.
Andres Paradelo Member	None.
Deborah Raing Member	None.
Jean Marseille, Jr. Alternate	None.

VI. PUBLIC HEARING

A. SWEARING IN OF THE SPEAKERS

Chairperson Mayans swore in everyone who wished to speak on the cases on the agenda.

B. CONTINUED CASES

C. PLANNING BOARD CASES

1. Formal Site Plan Review Case No. 22-11 and Planning Board Case No. 1927:

Mr. Brian Seymour, Esq., of Gunster, gave a presentation on behalf of the applicant.

The members of the board discussed the following with the applicant:

- Height (compared to other high-rises under construction);

- Parking liner (definition of feature and spacial impact); and
- Parking spaces (in relation to number of residential units).

Ms. Linda Louie, Senior Planner, gave a presentation on behalf of the City's Planning Division.

The members of the Board discussed the following with Ms. Louie and Mr. Richard Greene, Development Services Director:

- Clarification on the need of approval and role of the Board;
- What the City Commissioners will review;
- Height regulations for Currie Mixed Use District (CMUD)
- Stormwater management on Flagler Drive

Ms. Louie and Mr. Greene also provided clarification regarding project visibility to City Commissioners and stormwater management on Flagler Drive.

Chairperson Mayans opened the floor to public comment. No members of the public spoke regarding the application.

Mr. Pivko made a motion to **GRANT the variances for Formal Site Plan Review Case No. 22-11** as listed in the staff report dated December 20, 2022.

Mr. Corrente seconded the motion. The motion **PASSED 6-0**, as depicted in the table below.

Board Members:	Yes	No	Absent	Recused	Non-Voting
Steven Mayans Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Peter Pivko Vice Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carla Bryant Member	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Will Corrente Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patrick Mayfield Member	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Andres Paradelo Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Deborah Raing Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jean Marseille, Jr. Alternate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Mr. Pivko made a motion to **GRANT Formal Site Plan Review Case No. 22-11** for a Level III Special Review, subject to the following conditions (as listed in the staff report dated December 20, 2022 and modified in Staff's presentation):

1. The applicant shall address the following outstanding minor issues with the development plan prior to the issuance of final site plan approval:
 - a. A revised Traffic Performance Standards (TPS) Review Letter from the Palm Beach County – Traffic Division, reflecting the accurate number of residential units and commercial square footage as provided in the development plan shall be submitted to the Development Services Department – Planning Division.
 - b. The applicant shall provide a letter of service availability from the garbage collection service provider for trash and recycling containers.
 - c. An updated tree survey, arborist report and tree disposition plan shall be submitted that accurately identify the locations, species, canopy diameter,

condition and tree disposition of all trees and palms within the area to be developed.

- d. Any artificial turf identified in the Landscape Plan shall be reviewed to comply with Sec.94-451 of the ZLDRs.
 - e. The key plan in the Site Plan submittal packet shall be revised for consistency with the final changes made to the site plan.
2. Address the following comments from the Public Utilities Department as part of the Engineering Permit submittal:
- a. Sheets L0.1.01 and A0.00 show tree over large water service. Tree trunks cannot be located over water service and must have sufficient horizontal distance away from them.
 - b. Sheets L0.1.01 and A0.00 show square object approximately 22 feet east of the northeast fireline backflow assembly. Please label what it is on those plans and also show and label it on the civil plans.
 - c. Sheet A0.00 shows tree east of northeast fireline backflow assembly that may be too close to the service line. Please ensure there is sufficient clearance distance.
3. Address the following comments from the City's Traffic Engineer as part of the Engineering Permit submittal:
- a. Correct the driveway on Pine Street, which is overextending into the pedestrian area. To be reduced and proper sign and stop bar installed. Further safety measures such as audible or visible warning message and/or signage should be contemplated.
 - b. Remove parking stalls along the west side of Flagler Drive, between Butler Street and Pine Street.
 - c. Restripe that block so to accommodate a 5-foot wide bike lane, with a 2-foot double striped buffer in the southbound direction and a northbound left-turn storage lane.
 - d. Installation of no-parking signs on both sides of Pine Street fronting the proposed development, as the two-way roadway is just 21-feet wide.
 - e. Installation of east-directional no-parking signs on both sides of Butler Street, 35-feet upstream from the pedestrian crossing/stop bar at the Flagler Drive intersection. Also, install 2 feet wide chevron-style pavement markers along the no parking zone curb.
 - f. Provide a parking management plan.
 - g. Provide a construction management plan.
4. Address the following comments from the City's Stormwater Engineer as part of the Engineering Permit Submittal:
- a. Stormwater management system shall be designed to meet the South Florida Water Management District (SFWMD) Environmental Resource Permit (ERP) criteria.

- b. The development shall accommodate the stormwater runoff from the alley without impact to adjacent properties and without the stormwater runoff flowing over the sidewalk to reach the curb and gutter along the street.
 - c. The development shall be responsible for the yard drain/curb drain system (including maintaining the sidewalk flags adjacent to the drains and the curb and gutter the pipes are penetrating) draining the swale used to convey stormwater runoff from the alley.
 - d. The development shall provide positive flow to drain structures for all curbs and curbs and gutters along its street frontages.
 - e. Sidewalks within the right-of-way shall have flattest longitudinal slope as possible and not exceed 5 percent. Cross slope shall not exceed 2 percent.
5. To obtain the necessary building height bonus of 145 feet for the project, the developer shall be required to make a \$3,625,000 contribution to the City's Currie Park Improvement Fund. The contribution to the Currie Park Improvement Fund shall be made prior to the issuance of the final Certificate of Occupancy (C.O.).
 6. To obtain the necessary building height bonus of 20 feet, the project shall obtain LEED Silver Certification from the Leadership on Environmental Design (LEED) or a similar nationally accredited organization. All requirements and timeframes to obtain a LEED Silver Certification shall be met in accordance with Sec. 94-215(k)(2)(vii)(d) of the ZLDRs.
 7. To obtain the necessary building height bonus of 30 feet, the project shall design the 30-foot wide Flagler Drive Parkway along the development's Flagler Drive frontage and in accordance with the design requirements of Sec. 94-215(m)(4) of the ZLDRs. A parkway easement shall be recorded with the Clerk of Palm Beach County prior to the issuance of the first building permit for development.
 8. Prior to the removal or relocation of any trees on the property, a Tree Alteration Permit shall be submitted, reviewed and approved by the Development Services Department – Planning Division.
 9. The applicant, successors and assigns shall be responsible for the permitting and installation of the right-of-way hardscape, landscaping and irrigation approved with this petition.
 10. The applicant, successors and assigns shall be responsible for the maintenance of the hardscape, streetscape landscaping and irrigation. This will be through a separate maintenance agreement with the City.
 11. The site plan is contingent upon the approval of Planning Board Case No. 1927, for the abandonment of a portion of the 15-foot wide existing alley comprised of 3,225 square feet. The alley abandonment is necessary to consolidate the parcels for the proposed development. Approval from the City Commission for the alley abandonment shall be granted prior to final site plan approval.
 12. A replat of the project site shall be required prior to the issuance of a building permit for the vertical construction of the proposed building.

Ms. Raing seconded the motion. The motion **PASSED 6-0**, as depicted in the table below.

Board Members:	Yes	No	Absent	Recused	Non-Voting
Steven Mayans Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Board Members:	Yes	No	Absent	Recused	Non-Voting
Peter Pivko Vice Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Deborah Raing Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jean Marseille, Jr. Alternate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Mr. Pivko made a motion to **RECOMMEND to the City Commission APPROVAL of Planning Board Case No. 1927**, subject to the following conditions (as listed in the staff report dated December 20, 2022):

1. The developer agrees to compensate the City in the amount of \$575,000 as the value for the partial alley right-of-way to be abandoned with a utility easement reserved, as estimated by an appraisal conducted by Anderson & Carr, Inc., dated September 20, 2022.
2. The proposed exit from the alley under the building will require a public access easement and possibly a utility easement, to be executed and recorded concurrent with the Commission approval of the alley abandonment.

Mr. Corrente seconded the motion. The motion **PASSED 6-0**, as depicted in the table below.

Board Members:	Yes	No	Absent	Recused	Non-Voting
Steven Mayans Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Peter Pivko Vice Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carla Bryant Member	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Will Corrente Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patrick Mayfield Member	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Andres Paradelo Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Deborah Raing Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jean Marseille, Jr. Alternate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

D. CODE REVISION CASES

VII. OTHER BUSINESS

VIII. UNFINISHED BUSINESS

IX. NEW BUSINESS

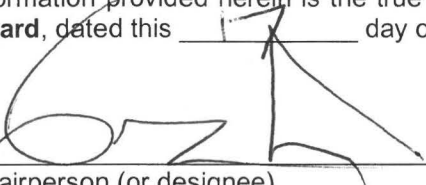
X. ADJOURNMENT

Chairperson Mayans adjourned the meeting at 6:48pm.

Please be advised the minutes are not verbatim. A recording of the meeting may be requested through the City of

West Palm Beach City Clerk's office at 822-1210. There is a fee.

This signature is to attest that the undersigned is the Chairperson, or designee, of the **Planning Board** and that the information provided herein is the true and correct minutes for the **December 20, 2022**, meeting of the **Planning Board**, dated this 17 day of January, 2023.



Chairperson (or designee)