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Mayor Keith A. James  
Commission President Shalonda Warren (District 2)  
Commissioner Cathleen Ward (District 1)  
Commissioner Christy Fox (District 3)  
Commissioner Joseph A. Peduzzi (District 4)  
Commissioner Christina Lambert (District 5)

City Administrator Faye W. Johnson  
City Attorney Kimberly Rothenburg  
City Clerk Shaquita Edwards

**City of West Palm Beach  
City Commission  
Agenda  
Tuesday, May 30, 2023  
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.
- Any person desiring to address the Commission **shall** file a written request with the city clerk prior to consideration of the matter by the Commission or prior to the public comment portion of a meeting. The person wishing to speak **shall** complete a comment card for each agenda item the person wishes to address, which **shall** include the person's full name, address, and the numbered agenda item. The person will not be recognized if the comment card is not completed.

## 5. ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA

## 6. PROCLAMATION

- 6.1. Proclaiming the week of June 5-9, 2023 as Code Enforcement Officer's Appreciation Week. Proclamation to be accepted by Mark Joyce, Community Improvement Manager, Joshua McDermott, Director of Public Works, and Duane White, Keep West Palm Beach Beautiful Coordinator.

**Originating Department:**  
Mayor's Office

## 7. PRESENTATION

- 7.1. Certificate presentation by Marjorie Ferrer, on behalf of Daughters of the American Revolution (DAR), in recognition of the City's sponsorship of Constitution books to be distributed to 583 students at Forest Hill Community High School, and to 752 students at Palm Beach Lakes Community High School, in support of America 250 Celebration and Project.

**Originating Department:**  
Mayor's Office

## 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. Resolution No. 122-23 approving a Memorandum of Understanding and Agreement with the School Board of Palm Beach County, to implement the Summer Seamless Option Program during Summers of 2023, 2024, 2025, and 2026 to serve nutritionally well-balanced lunches and provide snacks free of charge to all children at the Mandel Public Library of West Palm Beach, South Olive Community Center, Vedado Park Community Center, Gaines Park Community Center, and Pleasant City Community Center.

**Originating Department:**  
Library

**Ordinance/Resolution:**

RESOLUTION NO. 122-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MEMORANDUM OF UNDERSTANDING AND AGREEMENT BETWEEN THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA AND THE CITY OF WEST PALM BEACH TO IMPLEMENT THE SUMMER SEAMLESS OPTION PROGRAM TO PROVIDE FREE LUNCHES AND SNACKS TO CHILDREN AT THE MANDEL PUBLIC LIBRARY OF WEST PALM BEACH, SOUTH OLIVE COMMUNITY CENTER, VEDADO PARK COMMUNITY CENTER,

GAINES PARK COMMUNITY CENTER, AND PLEASANT CITY COMMUNITY CENTER DURING THE SUMMERS OF 2023, 2024, 2025, AND 2026 PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

Since 2016, the Mandel Public Library of West Palm Beach has partnered with the School Board of Palm Beach County to feed over 56,000 children and teenagers free lunch and snacks during the summer. By partnering with the School Board of Palm Beach County's Summer Seamless Option Program, children and teens visiting the Mandel Public Library of West Palm Beach can eat a nutritional meal five (5) days a week, as well as receive a healthy snack. All meals and snacks are provided by the School Board of Palm Beach County at no charge and meet USDA guidelines for the National School Lunch Program.

Additionally, 2023 will be the first summer this partnership will extend to the City's Parks and Recreation Department to provide children and teenagers attending City summer camps access to free lunch and snacks. City summer camp sites to be served include: South Olive, Vedado Park, Gaines Park, and Pleasant City.

The term of the Agreement is four (4) summers expiring August 31, 2026, and is contingent upon the School Board of Palm Beach County receiving funding for the National School Lunch Program's Seamless Summer Option from the USDA Food and Nutrition Service.

- 8.2. Resolution No. 140-23 approves an agreement to settle totaling \$50,000 in the matter of GuideOne Mutual Insurance v. City of West Palm Beach.

**Originating Department:**

City Attorney's Office

**Ordinance/Resolution:**

RESOLUTION NO. 140-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN AGREEMENT TO SETTLE TOTALING \$50,000 IN THE MATTER OF GUIDEONE INSURANCE v. CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

GuideOne Mutual Insurance seeks subrogation stemming from a property damage claim by its' insured, Redeemer Evangelical Lutheran Church of West Palm Beach, Florida, for an event that occurred on June 26, 2019. The City has reached an agreement to settle with GuideOne Mutual Insurance for a total of \$50,000. GuideOne Mutual Insurance signed a general release that releases the City from all claims arising from this incident, which ends all of the claims for damages, including all attorneys' fees and costs, against the City of West Palm Beach.

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. 140-23 approves the agreement to settle.

**Fiscal Note:**

The \$50,000 settlement amount will be expended from the Risk Self Insurance Fund.

- 8.3. Resolution No. 127-23 approving a Special Event License Agreement with The Pan-Hellenic Council of Palm Beach County, Inc. for the "2nd Annual Greek Picnic" on Saturday, June 10, 2023, and authorizing the issuance of a permit for the sale, possession, and consumption of alcoholic beverages at the event.

**Originating Department:**

Parks and Recreation

**Ordinance/Resolution:**

RESOLUTION NO. 127-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SPECIAL EVENT LICENSE AGREEMENT BETWEEN THE CITY AND THE PAN-HELLENIC COUNCIL OF PALM BEACH COUNTY, INC. FOR THE PURPOSE OF CONDUCTING THE 2ND ANNUAL GREEK PICNIC AT LINCOLN PARK ON JUNE 10, 2023 FROM 11:00 AM TO 6:00 PM; AUTHORIZING THE ISSUANCE OF A PERMIT TO THE PAN-HELLENIC COUNCIL OF PALM BEACH COUNTY, INC. FOR THE SALE, CONSUMPTION, AND POSSESSION OF ALCOHOLIC BEVERAGES AT THE 2ND ANNUAL GREEK PICNIC SPECIAL EVENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

The Pan-Hellenic Council of Palm Beach County, Inc. has submitted an application to produce the "2nd Annual Greek Picnic" event on Saturday, June 10, 2023 from 11:00 AM to 6:00 PM at Lincoln Park. This will be the second time this event is being held in West Palm Beach. During this event, The Pan-Hellenic Council of Palm Beach County, Inc. will serve food, alcoholic, and non-alcoholic beverages.

Pursuant to Article Section 78-152 of the City Code of Ordinances, a special event permit is required to host a special event in a City park, and Section 58-85 of the Code of Ordinances requires approval of the City Commission, subject to conditions, for the sale, possession, and consumption of alcoholic beverages in a City park during a hosted special event.

The Pan-Hellenic Council of Palm Beach County, Inc. will pay the City of West Palm Beach a \$2,487.75 special event permit fee, a \$500 special

event security deposit, and will provide the City of West Palm Beach general liability insurance and liquor liability insurance. Both insurance policies will list the City of West Palm Beach as the additional insured.

Resolution No. 127-23 approves a Special Events License Agreement between the City and The Pan-Hellenic Council of Palm Beach County, Inc. and authorizes issuance of a permit for the sale, consumption, and possession of alcoholic beverages at the event.

Commission District 4: Commissioner Joseph Peduzzi.

**Fiscal Note:**

Permit revenues will be received as stated.

- 8.4. Resolution No. 118-23(F) amending the Fiscal Year 2022/2023 Miscellaneous Trust Fund Budget to authorize appropriations of \$77,805 from the State Law Enforcement Forfeiture Receipts for purchasing bomb technician suits and related equipment.

**Originating Department:**

Police

**Ordinance/Resolution:**

RESOLUTION NO. 118-23(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 MISCELLANEOUS TRUST FUND BUDGET TO PROVIDE APPROPRIATIONS FROM THE STATE LAW ENFORCEMENT FORFEITURE RECEIPTS IN THE AMOUNT OF \$77,805 FOR PURCHASING BOMB TECHNICIAN SUITS AND RELATED EQUIPMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

Pursuant to the Florida Contraband Forfeiture Act, any local law enforcement agency that acquires at least \$15,000 within a fiscal year must expend or donate no less than 25 percent (25%) of such proceeds. These funds may be expended upon request by the Chief of Police to the City Commission and upon appropriation to the Police Department's miscellaneous trust fund. Such funds may be used only for school resource officers, crime prevention, safe neighborhoods, drug abuse education, drug prevention programs, or such other law enforcement purposes as the governing body of the municipality deems appropriate.

Asset forfeiture is a powerful tool that provides valuable resources to state and local law enforcement that may not have otherwise been available. Staff reviews the permissible uses of similarly obtained federal funds in

order to provide guidance for the Chief and Commission on such decisions. Equitably shared funds must be used in accordance with the statutes and guidelines that govern the federal equitable sharing program as outlined in the current edition of the Department of Justice's Guide to Equitable Sharing (Justice Guide).

The State Forfeiture funds requested complies with the permissible use reporting category identified as law enforcement operations and investigations.

The State Law Enforcement Trust Fund expenditure of \$77,805, which the Chief of Police certifies, is in compliance with Section 932.7055(5)(a), Florida Statutes, will be used for purchasing bomb technician suits and other related equipment.

**Fiscal Note:**

Resolution No. 118-23(F) allows for the \$77,805 of forfeiture funds to be utilized for the purchase.

- 8.5. Resolution No. 121-23(F) amending the Fiscal Year 2022/2023 Miscellaneous Trust Fund Budget to authorize appropriations of \$8,882 from the State Law Enforcement Forfeiture Receipts for satisfying a legal lien related to acquiring a vehicle to be used for criminal investigation activities.

**Originating Department:**

Police

**Ordinance/Resolution:**

RESOLUTION NO. 121-23(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 MISCELLANEOUS TRUST FUND BUDGET TO PROVIDE APPROPRIATIONS FROM THE STATE LAW ENFORCEMENT FORFEITURE RECEIPTS IN THE AMOUNT OF \$8,882 FOR SATISFYING A LEGAL LIEN RELATED TO A VEHICLE ACQUIRED TO BE USED FOR CRIMINAL INVESTIGATIVE ACTIVITIES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

Pursuant to the Florida Contraband Forfeiture Act, any local law enforcement agency that acquires at least \$15,000 within a fiscal year must expend or donate no less than 25 percent (25%) of such proceeds. These funds may be expended upon request by the Chief of Police to the City Commission and upon appropriation to the Police Departments' miscellaneous trust fund. Such funds may be used only for school resource officers, crime prevention, safe neighborhoods, drug abuse education, drug

prevention programs, or such other law enforcement purposes as the governing body of the municipality deems appropriate.

Asset forfeiture is a powerful tool that provides valuable resources to state and local law enforcement that may not have otherwise been available. Staff reviews the permissible uses of similarly obtained federal funds in order to provide guidance for the Chief and Commission on such decisions. Equitably shared funds must be used in accordance with the statutes and guidelines that govern the federal equitable sharing program as set forth in the current edition of the Department of Justice's Guide to Equitable Sharing (Justice Guide).

The State Forfeiture funds requested complies with the permissible use reporting category identified as law enforcement operations and investigations.

The State Law Enforcement Trust Fund expenditure of \$8,882, which the Chief of Police certifies is in compliance with Section 932.7055(5)(a), Florida Statutes, will be used for a vehicle to be used in criminal investigative activities.

**Fiscal Note:**

Resolution No. 121-23(F) allows for the forfeiture funds to be utilized for the intended purchase.

- 8.6. Resolution No. 82-23 approving the Interlocal Agreement between the City of West Palm Beach and Palm Beach Soil and Water Conservation District for the implementation of an urban irrigation efficiency improvement program, related to landscape irrigation water efficiency.

**Originating Department:**

Public Utilities

**Ordinance/Resolution:**

RESOLUTION NO. 82-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING IMPLEMENTATION OF THE URBAN IRRIGATION EFFICIENCY PROGRAM; APPROVING THE INTERLOCAL AGREEMENT WITH PALM BEACH SOIL AND WATER CONSERVATION DISTRICT FOR THE IMPLEMENTATION OF THE PROGRAM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

The City of West Palm Beach Office of Sustainability continues to partner with South Florida Water Management District (SFWMD) to provide water conservation opportunities to City of West Palm Beach Water Utilities customers.

As approved by Resolution No. 294-22, the City of West Palm Beach executed a grant agreement with the SFWMD, under its Water Protection and Sustainability Program for funding toward the City's Urban Irrigation Efficiency Program. This is a new pilot program to address water conservation and efficiency in residential landscapes through irrigation system evaluation, installation of Soil Moisture Sensors or Smart Irrigation Controllers, and home owner education. The program provides for demand side management of water conservation for the Public Utilities Department, while saving participants money now and in the long term with the water use reductions.

The City now desires to contract with the Palm Beach Soil and Water Conservation District to implement the Urban Irrigation Efficiency Program. Through this interlocal agreement, Palm Beach Soil and Water Conservation District will provide residential customers, who meet criteria, with a free water audit and irrigation system retrofit pursuant to the terms of the grant agreement. An evaluation of the irrigation system will be performed outlining recommendations for a more efficient system to reduce water use. Following the evaluation, a recommended soil moisture sensor or smart controller may be provided and installed at no cost to the homeowner. Palm Beach Soil and Water Conservation District shall perform up to one hundred fifty (150) irrigation evaluations and shall provide a minimum of one hundred (100) irrigation retrofits with either a soil sensor or irrigation controller. All irrigation evaluations and retrofits shall be completed no later than July 19, 2024.

The grant agreement provides \$39,175 from SFWMD, which will be combined with \$60,075 from the Fiscal Year 2023 Water and Sewage Systems Revenue Fund for a total program cost of \$99,250. The City shall pay to the Palm Beach Soil and Water Conservation District, as reimbursement for the expenses of the implementation of the program in an amount not to exceed \$99,250.

Resolution No. 82-23 approves the interlocal agreement with Palm Beach Soil and Water Conservation District to implement the City's Urban Irrigation Efficiency Program in accordance with the requirements of the SFWMD grant agreement.

**Fiscal Note:**

Matching funds of \$39,175 are fully budgeted in the Water and Sewage Systems Revenue Fund.

- 8.7. Resolution No. 126-23 for the execution of a Utility Work by Highway Contractor Agreement (UWHCA) with the State of Florida Department of Transportation (FDOT) for City Utility Work in conjunction with State Road No. A1A Milling & Resurfacing (Emerald Beach Way to Royal Palm Way) in the Town of Palm Beach.



**Originating Department:**

Public Utilities

**Ordinance/Resolution:**

RESOLUTION NO. 126-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A UTILITY WORK BY HIGHWAY CONTRACTOR AGREEMENT (UWHCA) BETWEEN FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AND THE CITY OF WEST PALM BEACH RELATING TO THE FDOT'S MILLING AND RESURFACING PROJECT ON STATE ROAD A1A FROM EMERALD BEACH WAY TO ROYAL PALM BEACH IN THE TOWN OF PALM BEACH; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

In January 2024, the Florida Department of Transportation (FDOT) will be soliciting bids for the improvements of State Road No. A1A Milling & Resurfacing on S. Ocean Boulevard and S. County Road from Emerald Beach Way to Royal Palm Way in the Town of Palm Beach ("FDOT Project"). The FDOT Project involves milling and resurfacing, sidewalk replacement, lighting, and signalization improvements. Within the 2-1/4 mile length FDOT Project corridor, incidental improvements of City's existing utilities will be required (Utility Work). The Utility Work involves adjustment of water valve boxes and meter boxes and relocation of a fire hydrant. The construction by FDOT is anticipated to begin in April 2024 for a duration of twelve (12) months.

FDOT and the City have determined that it is in the best interest of the public, and to the economic advantage for both parties, to enter into a Utility Work by Highway Contractor Agreement (UWHCA) to accomplish the City's utility improvements ("Agreement"). Accordingly, the City's related utility work will be competitively bid as part of the FDOT project and constructed by FDOT Contractor. Under the terms of the Agreement, the City shall reimburse FDOT a total estimated amount of \$69,440 for the cost of the Utility Work. This amount includes the cost of utility items plus ten percent (10%) construction contingency and two percent (2%) CEI (Construction Engineering & Inspection).

Resolution No. 126-23 approves the UWHCA with FDOT for the City's incidental utility relocation within State Road No. A1A Milling & Resurfacing (Emerald Beach Way to Royal Palm Way).

This project is located in the Town of Palm Beach.

**Fiscal Note:**

Fully budgeted. The Water and Sewer Operational Expenses, Utility Relocation balance is approximately \$200,000.

## 9. RESOLUTIONS

- 9.1. Resolution No. 133-23 authorizing a pilot program for transportation services to replace the current trolley system and approving an Agreement for Stopgap Transportation Services with Circuit Transit, Inc.

**Originating Department:**

Engineering

**Ordinance/Resolution:**

RESOLUTION NO. 133-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN AGREEMENT FOR STOPGAP TRANSPORTATION SERVICES BETWEEN CIRCUIT TRANSIT, INC., AND THE CITY OF WEST PALM BEACH FOR THE OPERATION OF A PILOT PROGRAM FOR FIXED-ROUTE AND ON-DEMAND TRANSPORTATION SERVICES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 133-23.

**Background Information:**

The City of West Palm Beach's trolley network connected over 300,000 passengers annually before the COVID-19 pandemic. Since 2020, ridership on the trolley network has been reduced significantly. During the same period, the Downtown Development Authority (DDA) expanded the use of electric on-demand vehicles, which have experienced continued growth. The Clematis Streetscape improvements have also made the existing trolleys difficult to maneuver on Clematis Street and the trolley fleet is quickly reaching its end of life. The City's current contract with the current trolley operator will expire on May 30, 2023, and the City is looking for potential new solutions to meet the needs of the City's growing and diverse population.

The City intends to issue a future procurement solicitation for an operator to provide transit service within portions of the City in and around the downtown area. The City desires to explore and test various options for providing such transportation services, including fixed-route and on-demand services. The City also desires to explore options regarding transportation vehicles, other than the existing trolleys.

The City also wishes to explore new directions to improve mobility equity by launching a Stopgap Pilot Program that will test new ideas like expanded on-demand services and modified fixed-route systems. The project aims to modernize the transportation system, making it more responsive, flexible, cost-effective, and accessible to all residents and visitors in the City.

The Stopgap Pilot Program will explore new directions to improve mobility equity with two (2) phases of transportation improvements. In Phase 1, the

Trolley will be replaced with a combination of electric vehicles (EVs) vans; and a combination of modified golf carts and Teslas will be launched as part of an on-demand expansion pilot, with the downtown fixed route commencing in early June and the on-demand services by July 1, 2023. The Stopgap Pilot Project will provide on-demand transportation services through a mobile application, which will connect riders to nearby vehicles, enabling them to reach their desired destination quickly and efficiently. The program will launch with on-demand zones in several neighborhoods, including Coleman Park, NoRa, Jefferson Terminal District, the Norton Museum, Northwood Village, and along South Dixie just north of Belvedere Road.

Phase 2 of the Stopgap Pilot Program will focus on further expansions of the on-demand service and the potential addition of new fixed routes to improve accessibility and promote equity within underserved areas of the City, with particular attention to moving commuters in and out of downtown and other high demand areas.

This Stopgap Pilot Project aims to gather valuable data to inform the future of transportation in the City. The project duration is expected to be between 18 to 24 months, during which time the City will be collecting data on usage patterns, service quality, and customer satisfaction. In addition to collecting data, the Stopgap Pilot Project will involve testing new routes, services, and technologies that have the potential to revolutionize public mobility in West Palm Beach. This data will play a critical role in making informed decisions about the new solicitation for a City-wide transit operator. Ultimately, the project will provide a valuable roadmap for transportation planning and policy decisions, ensuring that the City of West Palm Beach remains at the forefront of transportation innovation.

The Stopgap Pilot Program will be run by the existing downtown on-demand provider, Circuit Transit, as they are best positioned and have the infrastructure and vehicles that will allow for quick implementation and data collection. Pursuant to Section 66-94 of the Code of Ordinances, the City wishes to engage Circuit to provide short-term pilot program of 18-24 months to allow the City to test service demands, routes, and vehicles, to obtain sufficient information regarding transportation needs, so that a procurement solicitation for transportation services operator can be issued.

The Stopgap Pilot Program was discussed recently at the April 10, 2023 and May 8, 2023 Mayor/Commission Work Sessions.

Resolution No. 133-23 authorizes the Stopgap Pilot Project and approves an agreement with Circuit Transit to implement the Stopgap Pilot Project. The pilot will be funded with a combination of CRA, DDA, and Parking Administration funding. The total cost of the pilot is expected to be approximately \$2,375,000.

Data analysis and recommendations will be brought back to the City Commission for direction in determining the requirements for the solicitation for a transportation services operator.

Commission District 1: Commissioner Cathleen Ward.

Commission District 2: Commissioner Shalonda Warren.

Commission District 3: Commissioner Christy Fox.

Commission District 5: Commissioner Christina Lambert.

**Fiscal Note:**

This will be paid from current remaining trolley operations funding in the CRA Downtown Core Target Area budget for the current fiscal year. CRA and DDA budgets will include funding for FY 2024.

- 9.2. Resolution No. 130-23(F) authorizing the allocation of \$39,745 in parking meter revenues derived from the recaptured revenues from parking meters equipped with vehicle detection sensors to the Department of Housing and Community Development to fund various homeless initiatives.

**Originating Department:**

Parking

**Ordinance/Resolution:**

RESOLUTION NO. 130-23(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 PARKING SYSTEMS OPERATING AND GENERAL FUND BUDGETS TO PROVIDE APPROPRIATIONS FOR A DONATION TO HOMELESS INITIATIVES FROM PARKING METER COLLECTIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 130-23(F).

**Background Information:**

The first donation in FY18 approved the donation of the cumulative amount of recaptured revenue from April 2016 thru May 2018 (three [3] years). FY19's donation encompassed the fiscal year (October 1, 2018, thru September 30, 2019). In this agenda item, the language capping the donation to an annual amount of \$15,000 was added.

Due to COVID-19, the donations were suspended due to the anticipated loss of parking revenue, and the unknown impact of this loss on the parking budget. Now that COVID-19 is over, the numbers of re-captured revenue for FYs 20, 21, and 22 have been reviewed.

As three (3) years of this revenue was included in the first donation of FY18, the recommendation is to do the same for the period missed during COVID-19, which is maintaining the \$15,000 annual capped amount for this donation. Currently, there are 598 meters with sensors installed throughout the City.

As homelessness continues to be an epidemic in the City, the Parking Administration proposes to continue donating portions of this recaptured revenue to the Department of Housing and Community Development to support the homeless initiatives in an amount not to exceed \$15,000 annually.

Approval of Resolution No. 130-23(F) will appropriate a total of \$39,745 to the Department of Housing and Community Development to be used to fund various homeless initiatives.

**Fiscal Note:**

Approval of this resolution will appropriate a total of \$39,745 to the Department of Housing and Community Development to be used to fund various homeless initiatives.

**10. PUBLIC HEARING**

- 10.1. Public Hearing and First Reading of Ordinance No. 5047-23 authorizing a long-term lease and expansion of the Palm Beach Rowing Association, Inc.'s Boathouse at Lake Mangonia Park.

**Originating Department:**

Housing and Community Development

**Ordinance/Resolution:**

ORDINANCE NO. 5047-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A LONG-TERM LEASE AND EXPANSION OF THE PALM BEACH ROWING ASSOCIATION, INC.'S BOATHOUSE AT MANGONIA PARK; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5047-23.

Second Reading will be scheduled for June 12, 2023.

**Background Information:**

The City of West Palm Beach owns a boat storage facility located in Lake Mangonia Park adjacent to the Lake Mangonia Boat Ramp specifically at 2957 N. Australian Avenue. The City has leased the existing boat storage facility to the Palm Beach Rowing Association since 1986 for the purposes of providing recreational offerings to City residents as well as serving as

the training site for the Association to prepare for competitive rowing regattas.

As the Palm Beach Rowing Association seeks to expand the existing boat storage facility, City staff has agreed to execute a new lease, with an extended term, to facilitate the expansion. Following the policies detailed in the City's Real Property Lease Management Policy as adopted by Ordinance No. 4868-19, the proposed lease includes the following significant terms:

- **Term:** Twenty-Five (25) years, with one (1) renewal option of five (5) years. In the event that the Association does not timely construct the Boathouse Expansion, the lease term will be reduced to five (5) years.
- **Boathouse Expansion:** The Association will be authorized to construct an expansion of the Boathouse of 2,475 square feet, more or less, which would expand the Boathouse to 3,965 square feet, more or less. The Boathouse expansion will include a new public restroom to replace the existing public restroom.
- **Public Service:** The Association will provide a public service to the residents and businesses of West Palm Beach by: (1) providing at least one [1] rowing education program to the public on a monthly basis; and (2) providing a rowing education program for the City's summer camp program, or in conjunction with Urban Youth Impact or other not-for-profit organization serving the youth of the City of West Palm Beach. The Association shall discount its program fees for West Palm Beach students and youth. This public service component is required under the Lease Policy to obtain discounted rent.
- **Rent:** Five Hundred Dollars (\$500) per month (\$6,000 annually), which is 35% of the appraised market rent, in compliance with the Lease Policy; adjusted annual based on the consumer price index.
- **Security:** A security deposit of \$1,000 is required in compliance with the Lease Policy.
- **Maintenance:** All maintenance obligations will be responsibility of the Association.
- **Insurance:** Tenant to be responsible for insuring the Tamarind Parcel and Seaboard Station.
- **Assignment.** The Association may not assign the lease.

The Lease agreement is provided with this agenda item, which provides a detailed description of the terms and conditions that were negotiated.

Section 2-31 (27) of the City Code of Ordinances provides for approval of a lease of City property with a term of five (5) years or longer by Ordinance, which requires approval at two (2) readings of the approving Ordinance. One such vote must be by super majority of the City Commission.

Commission District 1: Commissioner Cathleen Ward.

**Fiscal Note:**

Annual rent of \$6,000 per year will be collected and adjusted upward annually based on CPI.

An additional \$1,000 security deposit will be collected.

- 10.2. Public Hearing and First Reading of Ordinance No. 5044-23 amending Chapter 94, Article IV: Downtown Master Plan, Sec. 94-106 - General uses with special requirements, and Article IX - Permitted uses, uses permitted with extra requirements, and special uses, Sec. 94-273 - Extra requirements for special uses or permitted uses; to modify and clarify specific regulations regarding Medical Marijuana Dispensaries and Pharmacies.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 5044-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING CHAPTER 94, ARTICLE IV - DOWNTOWN MASTER PLAN URBAN REGULATIONS, SECTION 94-106 - GENERAL USES WITH SPECIAL REQUIREMENTS (A.), AND ARTICLE IX - PERMITTED USES, USES PERMITTED WITH EXTRA REQUIREMENTS, AND SPECIAL USES, SECTION 94-273 - EXTRA REQUIREMENTS FOR SPECIAL USES OR PERMITTED USES (D.); TO MODIFY AND CLARIFY SPECIFIC REGULATIONS REGARDING MEDICAL MARIJUANA DISPENSARIES AND PHARMACIES; DECLARING THESE PROPOSED ZONING TEXT AMENDMENTS TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN AND THE ZONING AND LAND DEVELOPMENT REGULATIONS OF THE CITY; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

THIS ITEM IS BEING CONTINUED TO THE JUNE 12, 2023 CITY COMMISSION MEETING.

## 11. PUBLIC HEARING - QUASI-JUDICIAL

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

- 11.1. Public Hearing and Second Reading of Ordinance No. 5046-23 amending Rosarian Academy Community Service Planned Development (CSPD) to expand the boundary of the CSPD, so it shall encompass the entire ±6.3 acres of the school campus.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 5046-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE PRIOR ORDINANCES RELATING TO THE ROSARIAN ACADEMY COMMUNITY SERVICE PLANNED DEVELOPMENT (CSPD), GENERALLY LOCATED AT 807 NORTH FLAGLER DRIVE, TO EXPAND THE COMMUNITY SERVICE PLANNED DEVELOPMENT TO ENCOMPASS THE ENTIRE APPROXIMATE 6.3 ACRES OF LAND UNDER THE OWNERSHIP OF ROSARIAN ACADEMY; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5046-23.

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 Major Development of Regional Impact 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:**

Prior to 1996, properties within downtown West Palm Beach were not regulated under the Downtown Master Plan (DMP). The downtown area was generally grouped under the City Center districts, including CC-1 City Center (CBD) Core District, CC-1 Downtown Planned Development District, CC-2 Lakefront District, and CC-3 City Center General Commercial District, among other designations. Planned Developments (PD) and Community Service Planned Developments (CSPD) were also permitted in the downtown area prior to 1994.

On June 29, 2009, the City Commission of the City of West Palm Beach approved Ordinance No. 4212-09 and Ordinance No. 4213-09 adopting the Downtown Master Plan Zoning Atlas and the Downtown Master Plan Urban Regulations. Prior to the adoption, the DMP area had contained



both Planned Developments (PD) and Community Service Planned Developments (CSPD). A total of seventeen (17) PDs were approved within the current DMP area; of which fourteen (14) exist today. These fourteen (14) PDs create sites within the downtown that are regulated by codes and ordinances which predate DMP regulations and the properties effectively function as nonconforming or ‘grandfathered-in’ conditions.

Within Ordinance No. 3030-97, Ordinance No. 3031-97, Ordinance No. 3032-97, and Ordinance No. 3033-97 signed on June 2, 1997; Rosarian Academy was rezoned and had its future land use designation changed from Public Semi Public Planned Development (PSPPD) to Community Service (CS) and then to Community Service Planned Development (CSPD). The Rosarian CSPD has since had numerous amendments (PB Case No. 1153A-1153Q).

As planned developments predate and are regulated separately from the DMP, code contradictions between the controlling documents exist.

Planning Staff took forward to Planning Board on March 21, 2023 a proposed text amendment to Chapter 94, Article VII - Special Districts, Section 94-203 - Community Service Planned Development (CSPD) District.

Planning Board had unanimously voted in favor of the text change (6-0) as did the City Commission on April 3, 2023 and April 17, 2023.

Respective to the City’s text amendment request, a request by Jon Schmidt, on behalf of Rosarian Academy Inc., has been submitted and received by the Planning Division for improvements to the Rosarian Academy school property. As part of these improvements, the applicant is seeking to process three (3) separate applications:

1. A text-amendment to modify language allowing for the expansion of the planned development boundary or allowing the rezoning of Downtown Master Plan (DMP) subdistricts directly into Community Service Planned Developments (CSPD) without an underlying Community Service (CS) zoning designation.
2. An expansion of the boundary of the existing school CSPD by incorporating approximately 1.79 acres through rezoning of right-of-way lands previously abandoned (approved under Ordinance No. 5028-22 by City Commission on January 23, 2023) and parcels adjacent to the school which are zoned Loftin District Residential (LD-R) and Loftin District - 5 (LD-5).
3. Major Planned Development Amendment to the Rosarian Academy CSPD to do the following:

- i. Demolition of four (4) structures;
- ii. The addition of a 150' x 280' athletic field;
- iii. Relocation of early learning classrooms located at 800 North Olive to 807 North Flagler;
- iv. Reconfiguration of onsite parking;
- v. Improvements to internalized stacking, drop-off, and vehicular circulation; and
- vi. Update the development regulations based on the expansion of the CSPD boundary and any proposed site plan additions or changes.

With the influx of development throughout the City of West Palm; and especially with the relocation of large businesses, firms, offices, and residents to the Downtown; there has been an increased demand on schools and other community services or amenities. As such, Rosarian Academy is looking to capitalize and facilitate improvements to its downtown campus in order to improve site operations/efficiency and provide minor additions in student capacity. The text amendment is subject to City Commission approval, and the Rezoning Request presented to DAC and Planning Board affords Rosarian Academy with an opportunity not previously permitted to "square-off" the project site and property; creating a more uniform or complete campus.

Commission District 3: Commissioner Christy Fox.

- 11.2. Public Hearing and Second Reading of Ordinance No. 5040-23 rezoning the parcels generally located north of 7th Street, south of 8th Street, west of North Flagler Drive, and east of North Olive Avenue from the DMP sub-districts of Loftin District - 5 (LD-5) and Loftin District Residential (LD-R) into the Rosarian Academy Community Service Planned Development (CSPD).

**Originating Department:**

Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 5040-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ASSIGNING A ZONING DESIGNATION OF COMMUNITY SERVICE PLANNED DEVELOPMENT (CSPD) TO ALL 6.3 ACRES OF PROPERTY OWNED BY THE EXISTING ROSARIAN ACADEMY SCHOOL AND COMMUNITY SERVICE PLANNED DEVELOPMENT (CSPD) GENERALLY LOCATED AT 807 NORTH FLAGLER DRIVE, THE SUBJECT PROPERTIES INCLUDE: 810 NORTH OLIVE AVENUE, 808

NORTH OLIVE AVENUE, 804 NORTH OLIVE AVENUE, 800 NORTH OLIVE AVENUE, 7TH STREET, AND 807 NORTH FLAGLER DRIVE. THE PROPERTIES ARE TO BE REZONED FROM LOFTIN DISTRICT – 5 (LD-5) AND LOFTIN DISTRICT RESIDENTIAL (LD-R) TO COMMUNITY SERVICE PLANNED DEVELOPMENT (CSPD); DECLARING THIS REZONING TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5040-23.

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 Major Development of Regional Impact 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:**

Prior to 1996, properties within downtown West Palm Beach were not regulated under the Downtown Master Plan (DMP). The downtown area was generally grouped under the City Center districts, including CC-1 City Center (CBD) Core District, CC-1 Downtown Planned Development District, CC-2 Lakefront District, and CC-3 City Center General Commercial District, among other designations. Planned Developments (PD) and Community Service Planned Developments (CSPD) were also permitted in the downtown area prior to 1994.

On June 29, 2009, the City Commission of the City of West Palm Beach approved Ordinance No. 4212-09 and Ordinance No. 4213-09 adopting the Downtown Master Plan Zoning Atlas and the Downtown Master Plan Urban Regulations. Prior to the adoption, the DMP area had contained both Planned Developments (PD) and Community Service Planned Developments (CSPD). A total of seventeen (17) PDs were approved within the current DMP area; of which fourteen (14) exist today. These fourteen (14) PDs create sites within the downtown that are regulated by codes and ordinances which predate DMP regulations and the properties effectively function as nonconforming or "grandfathered-in" conditions.

Within Ordinance No. 3030-97, Ordinance No. 3031-97, Ordinance No. 3032-97, and Ordinance No. 3033-97 signed on June 2, 1997. Rosarian Academy was rezoned and had its future land use designation changed from Public Semi Public Planned Development (PSPPD) to Community Service (CS) and then to Community Service Planned Development (CSPD). The Rosarian CSPD has since had numerous amendments (PB Case No. 1153A-1153Q).

As planned developments predate and are regulated separately from the DMP, code contradictions between the controlling documents exist.

Planning staff took forward to the Planning Board on March 21, 2023, a proposed text amendment to Chapter 94, Article VII - Special Districts, Section 94-203 - Community Service Planned Development (CSPD) District.

The Planning Board unanimously voted in favor of the text change (6-0) as did the City Commission on April 3, 2023 and April 17, 2023.

Respective to the City's text amendment request, a request by Jon Schmidt, on behalf of Rosarian Academy Inc., has been submitted and received by the Planning Division for improvements to the Rosarian Academy school property. As part of these improvements, the applicant is seeking to process three (3) separate applications:

1. A text-amendment to modify language allowing for the expansion of the planned development boundary or allowing the rezoning of Downtown Master Plan (DMP) subdistricts directly into Community Service Planned Developments (CSPD) without an underlying Community Service (CS) zoning designation.
2. An expansion of the boundary of the existing school CSPD by incorporating approximately 1.79 acres through rezoning of right-of-way lands previously abandoned (Approved under Ordinance No. 5028-22 by City Commission on January 23, 2023) and parcels adjacent to the school which are zoned Loftin District Residential (LD-R) and Loftin District - 5 (LD-5).
3. Major Planned Development Amendment to the Rosarian Academy CSPD to do the following:
  - i. Demolition of four (4) structures;
  - ii. The addition of a 150' x 280' athletic field;
  - iii. Relocation of early learning classrooms located at 800 North Olive to 807 North Flagler;
  - iv. Reconfiguration of onsite parking;
  - v. Improvements to internalized stacking, drop-off, and vehicular circulation; and
  - vi. Update the development regulations based on the expansion of the CSPD boundary and any proposed site plan additions or changes.

With the influx of development throughout the City of West Palm; and especially with the relocation of large businesses, firms, offices, and residents to the Downtown; there has been an increased demand on schools and other community services or amenities. As such, Rosarian Academy is looking to capitalize and facilitate improvements to its downtown campus in order to improve site operations/efficiency and provide minor additions in student capacity. The subject boundary expansion and rezoning request provides Rosarian Academy the opportunity to “square-off” the project site and property, creating a more uniform or complete campus.

Commission District 3: Commissioner Christy Fox.

- 11.3. Resolution No. 112-23 amending Resolution No. 351-19 approving a new site plan for Rosarian Academy that includes the demolition of four (4) existing structures, onsite improvements to traffic circulation, installation of a sports field, and the relocation of campus facilities.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 112-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE ROSARIAN ACADEMY COMMUNITY SERVICE PLANNED DEVELOPMENT (CSPD), LOCATED GENERALLY AT 807 NORTH FLAGLER DRIVE, AUTHORIZING THE DEMOLITION OF FOUR (4) STRUCTURES, FOR MODIFICATIONS TO THE SPORTS FIELDS, FOR ONSITE TRAFFIC CIRCULATION AND PARKING ADJUSTMENTS, AND FOR THE RELOCATION OF EARLY CHILDHOOD LEARNING FACILITIES; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 112-23 after having considered the staff report, the findings and recommendation of the Planning Board, and the testimony and evidence presented, the Community Service Planned Development Regulations are consistent with the Comprehensive Plan. The major planned development regulations contained in Resolution No. 112-23 are consistent with the standards in Section 94-32 of the City's Zoning and Land Development Regulations, and the site plan contained in Resolution No. 112-23 complies with the standards in Section 94-35 of the City's Zoning and Land Development Regulations.

**Background Information:**

Within Ordinance No. 3030-97, Ordinance No. 3031-97, Ordinance No. 3032-97, and Ordinance No. 3033-97 signed on June 2, 1997; Rosarian Academy was rezoned and had its future land use designation changed

from Public Semi Public Planned Development (PSPPD) to Community Service (CS) and then to Community Service Planned Development (CSPD). The Rosarian CSPD has since had numerous amendments (PB Case No. 1153A-1153Q). Two of the more recent amendments in 2019, PB Case No. 1153O and PB Case No. 1153L, had revised the legal description of the CSPD and allowed for the expansion of the artificial turf soccer field.

The CSPD currently contains the four-story Mary Alice Fortin building, Lewis Hall West, Lewis Hall East, a one-story gymnasium activity center, an auditorium, a 3-story CBS classroom and gymnasium building, and the Casa Maria residence building. There is a playground area adjacent to Lewis Hall West and various athletic fields in the center/west side of the CSPD. The CSPD has two (2) existing non-conformities that are included in the development regulation table as follows:

1. Rear setback: 3' rear setback for the Lewis Hall West Building (CSPD requirement - 15')
2. Side corner setback: 9' side corner setback for the auditorium (CSPD requirement - 25')

On August 9, 2022, Jon Schmidt of Schmidt Nichols, on behalf of Rosarian Academy, Inc., submitted three (3) separate applications for the Rosarian Academy CSPD.

1. A text-amendment to modify language allowing for the expansion of the planned development boundary or allowing the rezoning of Downtown Master Plan (DMP) sub-districts directly into Community Service Planned Developments (CSPD) without an underlying Community Service (CS) zoning designation.

This item was heard by the Planning Board within Code Revision Case No. 22-08 on March 21, 2023, with an approval vote of (5-0). The City Commission approved Ordinance No. 5039-23 on April 17, 2023 by a vote of 5-0.

2. An expansion of the boundary of the existing school CSPD by incorporating approximately 1.79 acres through rezoning of right-of-way lands previously abandoned (Approved under Ordinance No. 5028-22 by City Commission on January 23, 2023) and parcels adjacent to the school, which are zoned Loftin District Residential (LD-R) and Loftin District - 5 (LD-5).

3. Major Planned Development Amendment to the Rosarian Academy CSPD to do the following:

- i. Demolition of four (4) structures;
- ii. The addition of a 150' x 280' athletic field;
- iii. Relocation of early learning classrooms located at 800 North Olive to 807 North Flagler;
- iv. Reconfiguration of onsite parking;
- v. Improvements to internalized stacking, drop-off, and vehicular circulation; and
- vi. Update the development regulations based on the expansion of the CSPD boundary and any proposed site plan additions or changes.

Commission District 3: Commissioner Christy Fox.

- 11.4. Public Hearing and First Reading of Ordinance No. 5041-23 regarding a Future Land Use Map Amendment to change the Future Land Use designation of approximately 0.30 acres located at 424 LA Kirksey Street from Multifamily to Commercial East;

Public Hearing and First Reading of Ordinance No. 5042-23 regarding a Rezoning to change the Zoning designation of approximately 0.30 acres located at 424 LA Kirksey Street from Multifamily Low Density Residential to General Commercial;

Public Hearing and First Reading of Ordinance No. 5043-23 regarding a Rezoning to change the Zoning designation of approximately 1.47 acres located at 424 LA Kirksey Street, 1501 North Dixie Highway, and 1515 North Dixie Highway from General Commercial to Commercial Planned Development; and

Discussion of Resolution No. 116-23 regarding the development regulations and conditions for the Kirksey Commons Commercial Planned Development, and granting waiver and variances of the Zoning and Land Development Regulations.

The above-referenced requests are being made by Joseph Verdone of Carlton Fields, on behalf of WIRE F2 WPB SELF STORAGE LLC, to create the Kirksey Commons Commercial Planned Development.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 5041-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF WEST PALM BEACH, FLORIDA, BY CHANGING THE FUTURE LAND USE DESIGNATION OF TWO (2) PARCELS LOCATED AT 424 LA KIRKSEY STREET, APPROXIMATELY 0.30 ACRES, FROM MULTIFAMILY (MF) TO COMMERCIAL EAST (CE); DECLARING THE PROPOSED AMENDMENT TO THE FUTURE LAND USE MAP TO BE CONSISTENT WITH ALL OTHER ELEMENTS OF THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 5042-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF WEST PALM BEACH, FLORIDA, BY REZONING TWO (2) PARCELS LOCATED AT 424 LA KIRKSEY STREET, APPROXIMATELY 0.30 ACRES, FROM MULTIFAMILY LOW DENSITY (MF14) RESIDENTIAL TO GENERAL COMMERCIAL; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REVISING THE ZONING MAP OF THE CITY ACCORDINGLY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 5043-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF WEST PALM BEACH, FLORIDA, BY REZONING FOUR PARCELS LOCATED AT 424 LA KIRKSEY STREET, 1501 NORTH DIXIE HIGHWAY, AND 1515 NORTH DIXIE HIGHWAY, APPROXIMATELY 1.47 ACRES, FROM GENERAL COMMERCIAL TO COMMERCIAL PLANNED DEVELOPMENT TO CREATE THE KIRKSEY COMMONS COMMERCIAL PLANNED DEVELOPMENT; PROVIDING FOR THE ESTABLISHMENT OF DEVELOPMENT REGULATIONS BY SEPARATE RESOLUTION; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REVISING THE ZONING MAP OF THE CITY ACCORDINGLY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 116-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ESTABLISHING THE DEVELOPMENT REGULATIONS, INCLUDING THE SITE AND LANDSCAPE PLANS AND BUILDING ELEVATIONS, FOR THE KIRKSEY COMMONS COMMERCIAL PLANNED DEVELOPMENT LOCATED AT 424 LA KIRKSEY STREET, 1501 NORTH DIXIE HIGHWAY, AND 1515 NORTH DIXIE HIGHWAY; GRANTING WAIVER AND VARIANCES TO THE ZONING AND LAND DEVELOPMENT REGULATIONS; DECLARING THIS AMENDMENT



CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY;  
PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER  
PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5041-23, a Future Land Use Map Amendment to change the Future Land Use designation of approximately 0.30 acres located at 424 LA Kirksey Street from Multifamily to Commercial East. 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 request complies with the provisions of Chapter 163, Florida Statutes, meets the "Changed Assumptions" standard of Future Land Use Policy 1.1.5 of the City's Comprehensive Plan, and meets the conditions of Future Land Use Policy 2.5.3 of the City's Comprehensive Plan.

Approve Ordinance No. 5042-23, a rezoning to change the Zoning designation of approximately 0.30 acres located at 424 LA Kirksey Street from Multifamily Low Density Residential to General Commercial. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board, and the findings that the request complies with the Comprehensive Plan and the standards in Section 94-32 of the City's Zoning and Land Development Regulations.

Approve Ordinance No. 5043-23, a rezoning to change the Zoning designation of approximately 1.47 acres located at 424 LA Kirksey Street, 1501 North Dixie Highway, and 1515 North Dixie Highway from General Commercial to Commercial Planned Development. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board, and the findings that the request complies with the Comprehensive Plan and the standards in Sections 94-32 of the City's Zoning and Land Development Regulations.

Resolution No. 116-23 to be considered for approval at Second Reading of the related ordinances at the June 12, 2023 City Commission Meeting.

**Background Information:**

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

The subject property is comprised of four (4) separate parcels, with the addresses of 1501 and 1515 North Dixie Highway and 424 LA Kirksey Street, consisting of approximately 1.47 acres. Specifically, the subject property is located on the west side of North Dixie Highway, between LA Kirksey Street and 14th Street. The subject property has frontage along all three (3) roadways and access to the site is from all three (3) roadways and the public alley. The subject property consists of an existing multifamily residential building, an existing vacant commercial building, and an existing motor vehicle sales business.

The applicant is proposing a mixed use development consisting of a total gross floor area of 95,600 square feet, including 84,400 square feet of self-storage area, 900 square feet of self storage office area, 9,400 square feet of commercial flex area, and 900 square feet of lobby and utilities area on the subject property. To effectuate their plans and to allow the requests of certain waivers and variances from the City's Zoning and Land Development Regulations (ZLDRs), applications were submitted to change the following:

- Future Land Use designation of two (2) of the parcels from Multifamily (MF) to Commercial East (CE);
- Zoning designation of two (2) of the parcels from Multifamily Low Density (MF14) Residential to General Commercial (GC); and
- Zoning designation of all four (4) parcels from GC to Commercial Planned Development (CPD).

The applicant is requesting the following waivers and variances (all of which are described and analyzed in the Staff Report):

- Section 94-207(d)(2) – Minimum Land Area
- Section 94-486 – Minimum Number of Parking Spaces
- Section 94-145(3) – Maximum Lot Coverage Area
- Section 94-145(5)(a) – Minimum Open Space Area
- Section 94-485(p) – Minimum Loading/Unloading Space Area

The proposed project will expand upon the existing redevelopment efforts that are happening in the City's north end and continue to help create a catalyst that would help generate the momentum necessary to redevelop areas such as North Dixie Highway and create demand for more desirable businesses around the neighborhood.

It is staff's professional opinion that with the finding that particular circumstances justify the reduction of the planned development acreage to less than five (5) acres and that the requirements for the planned development district zoning and the benefits to be derived from the planned development district zoning can be derived in such a lesser area, the proposed CPD complies with the City's Comprehensive Plan, and that the proposed development, with the waivers and variances granted, will comply with the standards required by the ZLDRs. Planning staff, therefore, is recommending approval, subject to the conditions contained in Resolution No. 116-23.

PLANNING BOARD: After a Public Hearing on February 22, 2023, the Planning Board recommended approval (7-0).

**PUBLIC NOTICE:** Individual notices were mailed to all property owners within 500 feet of the property, and signs were posted on the subject property. Ordinance No. 5041-23, Ordinance No. 5042-23, Ordinance No. 5043-23, and Resolution No. 116-23 were advertised in the Palm Beach Post.

Commission District 1: Commissioner Cathleen Ward.

- 11.5. Resolution No. 117-23: A request by Joseph Verdone of Carlton Fields, on behalf of WIRE F2 WPB SELF STORAGE LLC, for an abandonment of a portion of the public alley right-of-way, located between LA Kirksey Street to the north, 14th Street to the south, North Dixie Highway to the east, and Spruce Avenue to the west, consisting of approximately 0.03 acres (1,212 square feet) for the mixed-use development known as Kirksey Commons.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 117-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, VACATING AND ABANDONING A PORTION OF THE PUBLIC ALLEY RIGHT-OF-WAY, APPROXIMATELY 0.03 ACRES (1,212 SQUARE FEET) IN SIZE, LOCATED BETWEEN LA KIRKSEY STREET TO THE NORTH, 14TH STREET TO THE SOUTH, NORTH DIXIE HIGHWAY TO THE EAST, AND SPRUCE AVENUE TO THE WEST; RESERVING AN ACCESS AND UTILITY EASEMENTS; AUTHORIZING EXECUTION OF A DISCLAIMER OF INTEREST IN THE AFORESAID RIGHT-OF-WAY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 117-23.

**Background Information:**

The subject portion of the public alley is an approximate 10-foot wide right-of-way, located between LA Kirksey Street to the north, 14th Street to the south, North Dixie Highway to the east, and Spruce Avenue to the west. The alley is encumbered by underground public utilities. The applicant, who is also the owner of the tracts of land immediately north and immediately south of the right-of-way, desires to vacate the right-of-way to assemble the tracts for future development of the subject area. A location map of the subject area is provided in Exhibit A.

The abandonment of the subject alley is necessary for the petitioner to consolidate adjacent parcels of land for development; specifically, the subject alley and four (4) parcels will be combined in order to construct a mixed-use project, known as "Kirksey Commons," comprised of a total

gross floor area of 95,600 square feet, including 84,400 square feet of self-storage area, 900 square feet of self-storage office area, 9,400 square feet of commercial flex area, and 900 square feet of lobby and utilities area.

Due to the current location and existing condition, the subject right-of-way has very little development potential or use to anyone other than the adjacent property owners as part of an assemblage into their property. The abandonment of the subject portion of the public alley will not result in any negative impact to the surrounding area, since the right-of-way considered for abandonment is incorporated in the development proposal for the subject area.

The development plan for the "Kirksey Commons" project also provides for an ingress and egress public access easement connection to 14th Street in order to maintain alley access and connection to the existing street network.

The City will also retain a utility easement over the access easement area for relocation of City utilities.

An appraisal for the abandonment of the subject property was prepared by Anderson and Carr Inc. on November 10, 2022. According to the appraisal report, the market value for the subject area with the ingress/egress access and utility easements reservation is \$85,000. The applicant has agreed to pay the City the appraised value for the abandonment.

**STANDARDS:** Staff has found the requested abandonment complies with the abandonment criteria as established in Section 78-217 of the City's Code of Ordinances.

**PUBLIC NOTICE:** Pursuant to the requirements of Section 78-215(b) of the City's Code of Ordinances, individual notices were mailed to property owners within 400 feet of the subject property, the site was posted, 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.

**Fiscal Note:**

\$85,000 consideration to be paid by applicant.

## 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.