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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
PASS/FAIL Agenda
Monday, June 26, 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. PRESENTATION- **PRESENTED**

- 6.1. Post-session legislative update by Senator Bobby Powell, Jr.

Originating Department:
Mayor's Office

7. CONSENT CALENDAR- **ALL ITEMS WERE APPROVED**

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

- 7.1. Minutes of the Regular City Commission Meeting of May 1, 2023.

Originating Department:
Mayor's Office

- 7.2. Minutes of the Regular City Commission Meeting of May 15, 2023.

Originating Department:
Mayor's Office

- 7.3. Minutes of the Regular City Commission Meeting of May 30, 2023.

Originating Department:
Mayor's Office

- 7.4. Resolution No. 124-23 consenting to removal, by the Indian Trails Improvement District, of berms constructed by the City on a portion of 60th Street North.

Originating Department:
Engineering

Ordinance/Resolution:

RESOLUTION NO. 124-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND INDIAN TRAIL IMPROVEMENT DISTRICT REGARDING RECONSTRUCTION OF 60TH STREET NORTH; PROVIDING FOR AN EFFECTIVE DATE; AND OTHER PURPOSES.

Background Information:

The City's M-Canal property includes an unpaved service roadway, which runs along the North side of the M-Canal. The City previously maintained a quiet title action to clear the City's property of encroachments from several of the adjacent land owners.

As part of the quiet title Settlement Agreement dated August 13, 2007, with various land owners along 60th Street North, the City granted Indian Trails Improvement District (ITID) a sixty-foot (60') wide easement over the North portion of the City's M-Canal property between 180th Avenue North and Mandarin Boulevard for roadway and related purposes, including but not limited to, use by the public for ingress and egress, as may be permitted by ITID.

The Settlement Agreement also provided that (at the request of the residents and ITID) the City (at the City's expense) would construct an earthen berm on 60th Street North west of its intersection with Mandarin Boulevard to discourage vehicular access on 60th Street North. The City constructed the berms as agreed.

Since that time, ITID has experienced traffic congestion due to the area's growth and two (2) public schools on 180th Avenue North.

To help alleviate the situation, ITID has now requested approval to remove the berms and pave the one-half mile stretch to provide access between Mandarin Boulevard and 180th Avenue North.

Resolution No. 124-23 approves an Interlocal Agreement with ITID to allow the berms to be removed and the one-half mile of roadway paved, at ITID's expense.

Fiscal Note:

No fiscal impact. ITID will incur the costs.

- 7.5. Resolution No. 154-23(F) provides appropriations in the total amount of \$10,134,800 in Public Utility funds for various water, sewer, and stormwater capital projects, and for additional water operating expenses.

Originating Department:

Public Utilities

Ordinance/Resolution:

RESOLUTION NO. 154-23(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 WATER AND SEWAGE SYSTEMS REVENUE FUND, WATER AND SEWER GENERAL RESERVE FUND, WATER AND SEWER SERIES 2017A CONSTRUCTION BOND FUND, WATER AND SEWER RENEWAL AND REPLACEMENT FUND, AND STORMWATER RENEWAL AND REPLACEMENT FUND BUDGETS TO PROVIDE APPROPRIATIONS

FOR VARIOUS PUBLIC UTILITIES PROJECTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The summary of additional appropriations of funds is as follows:

Water and Sewage Systems Revenue Fund 450

- \$686,800 from operating contingency to the Water Treatment Plant;
- \$395,800 for sludge disposal expenses;
- \$231,000 for storage tank inspection, assessment and cleaning; and
- \$60,000 for diesel costs for the Water Treatment Plant and re-pump station.

Water and Sewer General Reserve Fund 459

- \$1,998,000 to the Water Treatment Plant;
- \$185,000 for electric services;
- \$985,000 for chemicals;
- \$828,000 to Public Utilities Administration for legal and engineering services for Watershed – Grassy Water Preserve; and
- \$6,000,000 appropriation from reserve to future projects to two (2) projects (Water \$3,000,000; Sewer \$3,000,000)

1. State Road No. 704/Lakeview/Okeechobee Utility Improvements (Parker Avenue to Flagler Drive) (Sewer \$2,000,000)

In January 2024, the Florida Department of Transportation (FDOT) will be soliciting bids for the improvements of State Road No. 704/Okeechobee Boulevard/Lakeview Avenue (Parker Avenue to Flagler Drive) (FDOT Project) (Exhibit A). The FDOT Project involves milling and resurfacing, incidental sidewalk improvements, signage and pavement marking, signalization and lighting improvements. The FDOT Project is anticipated to begin in April 2024 for a construction duration of twelve (12) months. Within the 0.8-mile FDOT Project corridor, improvements of City's sanitary sewer collection system on Lakeview Avenue (from Dixie Highway to Chase Street) and incidental adjustment of valve boxes and manhole covers will be required. Based on engineering construction cost estimate, including estimated construction cost escalation, additional appropriation in the amount of \$2,000,000 is needed to provide funding necessary to accomplish the project. The bid solicitation and construction phase of the City's utility improvements is targeted for late 2023 and early 2024, respectively. No general funds are required. The project falls within Commission District 3: Commissioner Christy Fox and Commission District 5: Commissioner Christina Lambert.

2. 36th Street Utility Relocation (Australian Avenue to Poinsettia Avenue): \$4,000,000 (Water \$3,000,000; Sewer \$1,000,000)

Through the Florida Department of Transportation (FDOT) and Palm Beach Transportation Planning Agency (TPA), the City received a Local Agency Program Grant to accomplish the 36th Street Improvements project from Australian Avenue to Poinsettia Avenue ("LAP Project") (Exhibit B). The one (1) mile LAP project involves ADA improvements (pedestrian crosswalk, sidewalk, and curb ramp construction), drainage improvements, lighting, signage and pavement marking, and milling and resurfacing. The LAP Project is anticipated to begin in late 2024 for a construction duration of approximately fifteen (15) months. Within the limits of the LAP project, improvements of the City's aging and undersized utility systems (water, sanitary sewer, and stormwater) will be required. The estimated budget amount to accomplish the water and sewer improvements, including estimated construction cost escalation, is \$4,000,000. The bid solicitation and construction phase of the City's utility improvements is targeted for late 2023 and early 2024, respectively. No general funds are required. The project falls within Commission District 1: Commissioner Cathleen Ward.

Water and Sewer Series 2017A Construction Bond Fund 45A: \$150,00,000 (Sewer) appropriation from reserve to future projects.

1. Lift Station 153 Improvements: (Sewer \$150,000)

Lift Station 153 is located within the Andros Isle community (Exhibit C). The project involves rehabilitation of existing wet well, generator replacement, pump replacement, electrical panel, chain link fence and sliding gate, photo screening, landscaping and irrigation. Additional appropriation in the amount of \$150,000 is needed for construction contingency. Construction is scheduled to start in August 2023 and is anticipated to complete in December 2023. No general funds are required. The project falls within Commission District 4: Commissioner Joseph Peduzzi.

Water and Sewer Renewal & Replacement Fund 454: \$1,000,000 appropriation from reserve to future projects to two (2) projects (Water \$600,000; Sewer \$400,000).

1. Tamarind Avenue South Improvements: (Water \$600,000)

The improvements and beautification of Tamarind Avenue from Banyan Boulevard to Palm Beach Lakes Boulevard is an identified and approved neighborhood initiative in the Community Redevelopment Agency's (CRA) Strategic Finance Plan. The project involves total roadway construction including underground utility replacement (water, sanitary sewer, and storm), pedestrian safety (sidewalk) enhancement, streetscape improvements and lighting. In order to maintain continuous service and adequate water pressure throughout the City, design modification and construction sequence of the water

main installation became a necessity. Additional appropriation in the amount of \$600,000 is needed to install a bypass piping system. Construction is currently forty percent (40%) complete and final completion is anticipated by late 2025. No general funds are required. The project falls within Commission District 3: Commissioner Christy Fox.

2. City-wide Sanitary Sewer & Force Main: (Sewer \$400,000).

Additional appropriation in the amount of \$400,000 is needed to provide funding necessary to accomplish unplanned improvements of existing sanitary sewer and/or sanitary force mains City-wide on an as needed basis for the remainder of the fiscal year. No general funds are required.

Stormwater Renewal and Replacement Fund 485: \$300,000 from reserve for future projects.

1. 36th Street Utility Relocation (Australian Avenue to Poinsettia Avenue): \$300,000 appropriation for improvements of the stormwater component. No general funds are required. The project falls within Commission District 1: Commissioner Cathleen Ward.

Fiscal Note Details

Post approval, balances will be approximately:

- \$64,000 Water & Sewer Fund 450 Operating Contingency
- \$75,000,000 Water Sewer General Reserve Fund 459 Reserve for Future Projects
- \$560,000 Water Sewer Series 2017C Construction Bond Fund 45A Reserve for Future Projects
- \$4,900,000 Water/Sewer Renewal & Replacement Fund 454 Reserve for Future Projects
- \$237,000 Stormwater Renewal & Replacement and Improvement Fund 485 Reserve for Future Projects

Fiscal Note:

Fiscal note details are outlined in the Background Information section above.

- 7.6. Resolution No. 156-23(F) authorizing the appropriation of funding from the Downtown Development Authority (DDA) for the purpose of sidewalk repairs in the downtown area as specified in the Interlocal Agreement between the City of West Palm Beach and DDA (Resolution No. 94-23) in the amount of \$169,852.

Originating Department:

Public Works & Support Services

Ordinance/Resolution:

RESOLUTION NO. 156-23(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 GENERAL FUND BUDGET TO PROVIDE FOR THE RECEIPT OF FUNDS FROM THE WEST PALM BEACH DOWNTOWN DEVELOPMENT AUTHORITY AND APPROPRIATION OF BUDGET FOR SIDEWALK REPAIRS IN THE DOWNTOWN AREA: PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

At the May 15, 2023 City Commission Meeting, Commission approved Resolution No. 94-23, a project funding interlocal agreement between the City of West Palm Beach and the City of West Palm Beach Downtown Development Authority (DDA) for the purpose of funding certain sidewalk repairs in the downtown area, which have become damaged and uneven over time, represent a potential hazard for pedestrians, are unsightly, and are in urgent need of repair.

Resolution No. 156-23(F) is recognizing and appropriating the \$169,852 funding from the City of West Palm Beach DDA to procure and schedule the designated sidewalk repairs outlined in the interlocal agreement.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

Approval of Resolution No. 156-23(F) will provide funding from the DDA in the amount of \$169,852 to repair sidewalks in the downtown area.

- 7.7. Resolution No. 151-23 consenting to the installation of improvements within the City rights-of-way adjacent to The Grand property located at 609 2nd Street and approving a right-of-way maintenance agreement with Rosemary WPB, LLC for the maintenance of said improvements.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 151-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, CONSENTING TO THE INSTALLATION OF IMPROVEMENTS WITHIN THE PUBLIC RIGHTS-OF-WAY ADJACENT TO 609 2ND STREET; APPROVING A RIGHT-OF-WAY IMPROVEMENT & MAINTENANCE AGREEMENT BETWEEN ROSEMARY WPB, LLC AND THE CITY OF WEST PALM BEACH FOR THE MAINTENANCE OF SAID IMPROVEMENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

Rosemary WPB, LLC is the Owner/Developer of The Grand located at 609 2nd Street, which is the new multifamily residential project. As part of the construction of the project, the Developer installed landscape, hardscape, and irrigation improvements within the City-owned rights-of-way along 2nd Street, 3rd Street, North Rosemary Avenue, and North Sapodilla Avenue.

The Developer agrees to assume all maintenance obligations for the improvements installed for the Project, along with any landscape and hardscape improvements currently existing and installed in the right-of way.

The City desires to enter into a Right-of-Way Improvement & Maintenance Agreement with the Developer setting forth the responsibilities for the maintenance of the improvements.

Resolution No. 151-23 consents to the installation of the improvements in the rights-of-way and approves the Right-of-Way Improvement & Maintenance Agreement.

Commission District 3: Commissioner Christy Fox.

- 7.8. Resolution No. 163-23 accepting a \$40,000 grant from the James L. and John S. Knight Foundation to fund a pilot program for Digital Trust for Places and Routines; and

Resolution No. 170-23(F) authorizing the appropriation of funds for the purpose of amending the grant program to recognize funds from the James L. and John S. Knight Foundation and to provide appropriations for the Digital Trust for Places and Routines.

Originating Department:

Mayor's Office

Ordinance/Resolution:

RESOLUTION NO. 163-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE ACCEPTANCE OF A GRANT FROM THE JOHN S. AND JAMES L. KNIGHT FOUNDATION FOR \$40,000 IN SUPPORT OF A PILOT PROGRAM OF THE DIGITAL TRUST FOR PLACES AND ROUTINES; APPROVING AND AUTHORIZING THE MAYOR AND CITY STAFF TO EXECUTE ALL DOCUMENTS NECESSARY TO ACCEPT THE GRANT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 170-23(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 GRANT PROGRAMS SPECIAL REVENUE FUND BUDGET TO RECOGNIZE PROCEEDS FROM THE JOHN S. AND JAMES L. KNIGHT FOUNDATION AND TO PROVIDE APPROPRIATIONS FOR THE DIGITAL TRUST FOR PLACES AND ROUTINES PILOT PROGRAM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The James L. and John S. Knight Foundation selected the City of West Palm Beach to part of cohort of cities to test a pilot known as Digital Trust for Places and Routines DTPR.

The City of West Palm Beach has been a partner with FAU in first building the Mobility Intelligence Project and recently a beneficiary of FAU's award of becoming a National Science Foundation Engineering Research Center (ERC).

As a testing location for sensor technology in the public space (such as roads and parks), a "Thrust" of the ERC is to communicate with the residents, businesses, and visitors of the City to build understanding, trust, and feedback regularly. The ongoing outreach to the community will be used to build the ERC to ensure that the technology deployed in the City is both used by people, trusted to be secure, and used for the benefits of the public.

In order to properly build out an effective communications and outreach program, the City will need to build out a specialized team that includes, FAU faculty, CRA staff, Marketing professionals, and City staff. Understanding this need, the Knight Foundation, has approved a grant for the City to hire a specialized team of experts to assist in communications under the DTPR standard. DTPR is an open-source communications standard to increase the transparency, legibility, and accountability of digital technology in the built environment. The company selected by

Knight to help execute the DTPR is Helpful Places. Helpful Places is a Toronto, ON based firm that is working with the other cities including: Boston-MA, Long Beach-CA, Washington-DC, Angers Loire Metropole-FR, and Sydney Olympic Park-AU.

The Knight Foundation has been a long-time supporter of the smart cities initiative between the City and FAU. Knight originally contributed \$225,000 to the mobility intelligence program, as well as other outreach efforts that included the development of the Public Realm Action Plan in 2017.

The DTPR pilot will be organized over the Summer 2023 months with the expectation to begin community outreach efforts in the Fall utilizing the City's Green Market and CRA's quarterly outreach meetings as initial touch points.

The pilot will conclude by December 2023 and will be assessed by the City, CRA, and Knight Foundation to determine effectiveness.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

\$40,000 will be granted by the Knight Foundation through a Donor Advise Fund from the Community Foundation of Palm Beach and Martin Counties. Funding will be utilized for the Digital Trust for Places and Routines pilot program.

8. PUBLIC HEARING- APPROVED

- 8.1. Public Hearing and Second Reading of Ordinance No. 5044-23 amending Chapter 94, Article IV - Downtown Master Plan Urban Regulations, Section 94-106, Article VII - Special Districts, Section 94-210, Table VII-9 and Section 94-215, Table VII-17, Article IX - Permitted uses, uses permitted with extra requirements, and special uses, Section 94-272 and 94-273, and Article XIX – Definitions, Section 94-611 and Appendix A; to prohibit Medical Marijuana Dispensaries in the City of West Palm Beach.

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, ARTICLE VII - SPECIAL DISTRICTS, SECTION 94-210, TABLE VII-9 AND SECTION 94-215, TABLE VII-17, ARTICLE IX - PERMITTED USES, USES PERMITTED WITH EXTRA REQUIREMENTS, AND SPECIAL USES, SECTION 94-272 AND 94-273, AND ARTICLE XIX – DEFINITIONS, SECTION 94-611 AND

APPENDIX A; TO PROHIBIT MEDICAL MARIJUANA DISPENSARIES IN THE CITY OF WEST PALM BEACH; 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:

Approve Ordinance No. 5044-23 on Second Reading.

(Note: A Third Reading is required and will be scheduled for July 10, 2023.)

Background Information:

On June 16, 2014, Florida's Compassionate Medical Cannabis Act of 2014 became law. This act legalized the cultivation, production, and dispensing of a low-THC derivative product of marijuana for "qualified patients."

Between 2016 to May 2018, City staff held discussions and workshops with the Planning Board, Mayor-City Commission, and the Downtown Action Committee on amending the City's Zoning Code to identify Medical Marijuana Dispensaries as a permitted use within certain zoning districts in the City, which resulted in adopting Ordinance No. 4780-18 on June 18, 2018.

Since 2018, eight (8) Medical Marijuana Dispensaries have been established in the City of West Palm Beach, four (4) of which are located within the Clematis Waterfront District.

On November 14, 2022, the Downtown Development Authority (DDA) sent a letter to the Mayor, Commission President Christy Fox, and City Commissioners raising concerns regarding medical marijuana dispensaries in Downtown, particularly the latest establishment of Curaleaf located on the ground level of the building at 300 Clematis Street, which is the same building where DDA occupies the 2nd floor.

On February 12, 2023, the Mayor and City Commission held a work session to evaluate existing regulations for Medical Marijuana Dispensaries, review inventory of already established businesses in the City, and potential impacts on adopting additional regulations of Medical Marijuana Dispensaries.

Based on direction provided by the Mayor and City Commission, and additional research done by City staff, staff is recommending amendments to the Medical Marijuana Dispensaries regulations.

This code revision was heard by the Downtown Action Committee (DAC) on April 12, 2023. DAC made a motion of approval to prohibit dispensaries

within the Clematis Waterfront District and recommend changing the separation distance between Medical Marijuana Dispensaries to half a mile (2,640 feet) and to correct the language of Article IV, Sec. 94-106 to get rid of the ambiguity in which districts medical marijuana dispensaries are not permitted. The motion passed 5-1.

This code revision was heard by the Planning Board on April 18, 2023. The Planning Board made a motion recommending denial of the staff's request and suggested the market should determine where discrepancies and pharmacies are viable. The Board further moved that the proposal amendment did not comply with the orderly development amendment standard found in Section 94-32 of the Zoning and Land Development Regulations. The motion of denial passed 5-2.

City Commission amended Ordinance No. 5044-23 as proposed on June 12, 2023 and voted (3-2) to prohibit Medical Marijuana Dispensaries in the City of West Palm Beach. Ordinance No. 5044-23 has been revised to reflect the prohibition of Medical Marijuana Dispensaries City-wide.

9. PUBLIC HEARING - QUASI-JUDICIAL-Items 9.2-9.4 were approved; see page 13 of 19 for (9.1)

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

- 9.1. Resolution No. 138-23 approving a replat of property to create the plat "The Grand" on approximately 2.54 acres (110,623 square feet) of real property generally located at 609 2nd Street; associated with "The Grand" multi-family residential project and granting a private underground utility easement under a portion of 2nd Street; and

Resolution No. 168-23 correcting Resolution No. 30-21 to correct the legal description of the alley previously abandoned for "The Grand" project.

Originating Department:
Development Services

Ordinance/Resolution:
RESOLUTION NO. 138-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE CONSOLIDATION AND REPLAT OF REAL PROPERTY TO CREATE THE PLAT ENTITLED "GRAND PLAT" CONSISTING OF ONE DEVELOPMENT TRACT TOTALING APPROXIMATELY 2.54 ACRES (110,623 SQUARE FEET) GENERALLY LOCATED AT 609 2ND STREET; GRANTING A PRIVATE UNDERGROUND DRAINAGE EASEMENT ON A PORITON OF 2ND STREET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 168-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING RESOLUTION NO. 30-21 TO CORRECT A SCRIVENER'S ERROR IN THE LEGAL DESCRIPTION OF THE ALLEY ABANDONED BY SAID RESOLUTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 138-23. 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.

Approve Resolution No. 168-23.

Background Information:

The project "The Grand" consists of approximately 2.54 acres located at 609 2nd Street. The project received site plan approval from the Downtown Action Committee on January 13, 2021 and is nearing completion of its construction. The approved structure features an 8-story, 288,824 gross square foot, mixed-use residential building consisting of 309 residential units.

The development approval for "The Grand", provided that prior to the issuance of the final Certificate of Occupancy (CO), the various parcels assembled for the project shall be re-platted in accordance with the City's policies and procedures.

In order to accommodate the Project, a non-exclusive drainage easement under a portion of 2nd Street is required.

Resolution No. 138-23 approves the re-plat entitled "The Grand" and grants a private underground utility easement under a portion of 2nd Street.

To accommodate "The Grand" project, by Resolution No. 30-21, the City Commission previously abandoned East-West alley, which ran between Rosemary Avenue and Sapodilla Avenue and 2nd Street and 3rd Street. The legal description of the alley contained in the Resolution was incorrect and the public record requires correction.

Resolution No. 168-23 corrects the scrivener's error in the legal description of the abandoned alley for the public records.

Commission District 3: Commissioner Christy Fox.

Resolution No. 168-23 was approved.

Resolution No. 138-23 was continued (5-0) and will be heard at the July 10, 2023, City Commission Meeting.

No fiscal impact.

- 9.2. Resolution No. 139-23: A request by Bryan Donahue of Insite Studio, Inc., on behalf of 2649 Electronics Way, LLC, for a re-plat and minor subdivision of the property, consisting of approximately 1.96 acres, located at 2649 Electronics Way.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 139-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A REPLAT AND MINOR SUBDIVISION OF REAL PROPERTY TO CREATE THE PLAT ENTITLED "2649 ELECTRONICS WAY", CONSISTING OF TWO (2) PARCELS AND CONTAINING A TOTAL OF APPROXIMATELY 1.96 ACRES LOCATED ON THE WEST SIDE OF ELECTRONICS WAY BETWEEN WEST TECHNOLOGY PLACE AND 25TH STREET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 139-23 creating the plat entitled "2649 Electronics Way".

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 property, consisting of 1.96 acres, is located on the west side of Electronics Way between West Technology Place and 25th Street. A location map of the subject area is provided in EXHIBIT A.

Approval of an Informal Site Plan Amendment Application (ISPR Case No. 21-03A) was granted for a private club on the property, conditioned upon the subdivision and re-plat of the property.

By Resolution No. 197-22, the City Commission previously approved abandonment of the alley, which is now part of the subject property. (PB Case No. 1920 approved per Resolution No. 197-22).

The applicant desires to combine the various lots and the abandoned alley into one (1) lot on the subject property to satisfy one of the conditions of approval of ISPR Case No. 21-03A and to create the plat entitled "2649 Electronics Way".

STANDARDS

1. Staff found that the submitted plat complies with all applicable provisions of Chapter 177, Florida Statutes.
2. Staff found that 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.

Resolution No. 139-23 approves the consolidation of the properties into one lot and approves the plat entitled "Palm Beach Medical Property".

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.

- 9.3. Resolution No. 144-23 approving the subdivision and replat of approximately 5.765 acres (251,133 square feet) of real property generally located at 134 Clearwater Drive, as is associated with the "Transit Village" mixed-use project.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 144-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE SUBDIVISION AND REPLAT OF REAL PROPERTY TO CREATE THE PLAT ENTITLED "TRANSIT VILLAGE SUBDIVISION" CONSISTING OF THREE (3) DEVELOPMENT TRACTS TOTALING APPROXIMATELY 5.765 ACRES (251,133 SQUARE FEET) GENERALLY LOCATED AT 134 CLEARWATER DRIVE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 144-23 creating the plat entitled "Transit Village Subdivision".

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 property and project entitled "Transit Village" received site plan approval on January 17, 2023. The project consists of a total gross building area of 1,277,545 square feet with 182,720 square feet of office; 49,395 square feet of retail; a 108-room hotel; and a total of 986 residential units within an approximately 6.6 acre property. The project is located between Clearwater Drive, Banyan Boulevard, and Tamarind Avenue; generally located at 134 Clearwater Drive.

The development approval for "Transit Village" provided that prior to the issuance of the final Certificate of Occupancy (CO), the property shall be replatted in accordance with the City's policies and procedures.

The ownership (Transit Village, LLC) wishes to subdivide the site into three (3) parcels containing the "Transit Village" mixed-use development, as is required per the Purchase and Sale Agreement (PSA) with Palm Beach County.

Commission District 3: Commissioner Christy Fox.

- 9.4. Public Hearing of Resolution No. 145-23 regarding a right-of-way abandonment for portions of 24th Street, two (2) alleys and Northwood Road located between Broadway Avenue and Pinewood Avenue, and Pinewood Avenue between 23rd Street and 25th Street, totaling approximately 1.35 acres; and

Public Hearing of Resolution No. 146-23 regarding the approval of a plat and minor subdivision to create the Northwood Square Plat consisting of one (1) development lot of approximately 4.29 acres, which includes the rights-of-way abandoned by Resolution No. 145-23.

The request was submitted by Brian Seymour, Esq., of Gunster, on behalf of Immocorp Capital, and is generally located at 2501 Broadway Avenue.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 145-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, VACATING AND ABANDONING A PORTION OF 24TH STREET, NORTHWOOD ROAD AND TWO (2) PUBLIC ALLEY RIGHTS-OF-WAY LOCATED BETWEEN PINWOOD AVENUE TO THE WEST AND

BROADWAY AVENUE TO THE EAST AND VACATING AND ABANDONING A PORTION OF PINWOOD AVENUE BETWEEN 23RD STREET TO THE SOUTH AND 25TH STREET TO THE NORTH, TOTALING APPROXIMATELY 1.35 ACRES (58,608 SQUARE FEET) IN SIZE; RESERVING ACCESS AND UTILITY EASEMENTS; AUTHORIZING EXECUTION OF A DISCLAIMER OF INTEREST IN THE AFORESAID RIGHTS-OF-WAY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 146-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE PLAT ENTITLED "NORTHWOOD SQUARE" CONSISTING OF APPROXIMATELY 4.29 ACRES, AND GENERALLY LOCATED AT 2501 BROADWAY AVENUE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 145-23 based upon the findings that right-of-way is no longer needed for any public purpose and that the abandonment complies with the criteria set forth in Section 78-217 of the City's Code of Ordinances.

Approve Resolution No. 146-23 approving a minor subdivision to replat 4.29 acres to create the Northwood Square plat consisting of one (1) development tract.

This motion is based upon the factual testimony presented, the application submitted, the staff report, and the findings that the plat complies with all applicable provisions of Chapter 177, Florida Statutes, and is consistent with the Comprehensive Plan and complies with the subdivision design standards set forth in Section 94-342 of the City's Zoning and Land Development Regulations.

Background Information:

The City's Community Redevelopment Agency (CRA) executed a Property Development and Lease Agreement with Immocorp Ventures, LLC, to develop the area formerly known as the Anchor Site on the western portion of Northwood Mixed Use District (NMUD). The development, to be known as Northwood Square, is a mixed-use project that will incorporate residences, office, retail, and entertainment spaces, along with public parking and a public plaza.

As part of the development of Northwood Square, the Developer is requesting the abandonment of portions of three (3) roadways (a portion of Northwood Road, 24th Street and Pinewood Avenue) and two (2) alleys. City and CRA staff have reviewed the requested abandonments and determined that the requests comply with the abandonment standards established in the Code of Ordinances.

While the Pinewood Avenue right-of-way is being abandoned, the applicant will be granting a public access easement for a private roadway bisecting the site, which will continue to permit access from 23rd Street to 25th Street. Based on the design of the proposed building that spans the site, the new private roadway is not at the same location as the existing Pinewood Avenue right-of-way. The abandoned portion of Northwood Road will contain the NMUD dedicated public open space and the abandoned portion of 24th Street will become a retail lined, covered paseo.

The applicant will be extending Broadway Avenue from Northwood Road to 23rd Street in accordance with the Northwood Street Connectivity Plan in order to maintain enhance connectivity around the development site.

The abandoned rights-of-way and ten (10) of the parcels within Northwood Square will be platted as one (1) development parcel to permit construction of two (2) of the buildings proposed within Northwood Square. The plat will also include the dedicated public open space that is required as part of the NMUD Core development regulations and the Lease, along with the access and utility easements for the Broadway extension.

STANDARDS

The Planning Division has determined that the right-of-way abandonment request meets all of the required abandonment criteria found in Section 78-215 of the City of West Palm Beach Code of Ordinances.

The Planning Division has determined that the plat complies with the requirements of Chapter 177, Florida Statutes and the subdivision design standards set forth in Section 94-342 of the City's Zoning and Land Development Regulations.

Resolution No. 145-23 abandons various portions of rights-of-way within the development footprint and retains a utility and drainage easement.

Resolution No. 146-23 approves the plat entitled "Northwood Square".

NOTICES

Individual notices were mailed to all property owners within 500 feet of the properties covered by the applications and signs were posted on the property.

Commission District 1: Commissioner Cathleen Ward.

Fiscal Note:

No fiscal impact.

10. COMMENTS FROM THE PUBLIC

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

11. COMMENTS BY THE MAYOR AND CITY COMMISSIONERS

12. ADJOURNMENT

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

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