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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 (Interim) Jacqueline Mobley

City of West Palm Beach
City Commission
DRAFT Agenda
Monday, July 24, 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. 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.

- 6.1. Minutes of the Regular City Commission Meeting of June 12, 2023.

Originating Department:

Mayor's Office

- 6.2. Minutes of the Regular City Commission Meeting of June 26, 2023.

Originating Department:

Mayor's Office

- 6.3. Resolution No. 173-23 accepting a Flooding and Sea Level Rise Resiliency Grant from the Florida Department of Environmental Protection in the amount of \$1,875,000 for improvements to the drainage system, enhancement of portions of the seawall, and natural storm water elements to decrease the threat of flooding in Currie Park; and

Resolution No. 174-23(F) authorizing the appropriation or transfer of City funds amending the Grant Capital Project Fund budget for receipt and appropriations from the Florida Department of Environmental Protection for a Flooding and Sea Level Rise Resiliency grant; providing for improvements to Currie Park.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 173-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A FLOODING AND SEA LEVEL RISE RESILIENCY GRANT IN THE AMOUNT OF \$1,875,000 FROM THE STATE OF FLORIDA, DEPARTMENT OF ENVIRONMENTAL PROTECTION, TO BE USED FOR IMPROVEMENTS TO DECREASE THE THREAT OF FLOODING IN CURRIE PARK; APPROVING THE GRANT AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 174-23(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 2022/23 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GRANT CAPITAL PROJECT AND SERIES 2020 GENERAL OBLIGATION BONDS FUND BUDGETS TO PROVIDE APPROPRIATIONS FOR THE RECEIPT OF THE FLORIDA

DEPARTMENT OF ENVIRONMENTAL PROTECTION FLOODING AND SEA LEVEL RISE RESILIENCY GRANT FOR CURRIE PARK IMPROVEMENTS AND CITY-MATCHING FUNDS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

On April 4, 2022, Resolution No. 61-22 ratified the submittal of a 50/50 matching grant application to the Florida Department of Environmental Protection for a Flooding and Sea Level Rise Resiliency Grant requesting \$1,875,000 for improvements to the drainage system, enhancement of portions of the seawall, and natural storm water elements to decrease the threat of flooding in Currie Park. The 50/50 grant match is being funded by the 2020 Park Bond.

Resolution No. 173-23 accepts the grant and authorized execution of the grant agreement. Resolution No. 174-23(F) appropriates the matching grant funds.

Commission District 1: Commissioner Cathleen Ward.

Fiscal Note:

Approval will recognize and appropriate FDEP grants funds.

- 6.4. Resolution No. 177-23(F) provides appropriations in the amount of \$955,156 in Public Utilities funds for contribution to the East Central Regional Water Reclamation Facility operating expenses.

Originating Department:

Public Utilities

Ordinance/Resolution:

RESOLUTION NO. 177-23(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 AND THE WATER AND SEWER GENERAL RESERVE FUND BUDGETS TO PROVIDE APPROPRIATIONS FOR CONTRIBUTION TO THE EAST CENTRAL REGIONAL WATER RECLAMATION FACILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The Fiscal Year 2022 East Central Regional Water Reclamation Facility operating expenses were over budget by \$974,000 when adjusted for prior collected funds for future Operational Projects. Due to expense commitments at year end, encumbrances originated in Fiscal Year 2022,

and still required in Fiscal Year 2023, were significantly greater than budgeted.

On June 7, 2023, the East Central Regional Water Reclamation Facility Board passed Resolution 01-23(F) to restore budget for Fund 470 ECR Operating Fund Future Operational Projects. This resolution requires a payment of \$955,156 by the City of West Palm Beach to balance the ECR operating budget.

Fiscal Note:

Post approval, balances will be approximately \$74,000,000 in Water Sewer General Reserve Fund 459 Reserve for Future Projects and in Water & Sewage Systems Revenue Fund Utilities Administration Reserved for Contingency approximately \$63,000.

7. RESOLUTIONS

- 7.1. Resolution No. 182-23 approving the development concept plan for the project located at 8111 South Dixie Highway submitted by Woodfield-Flagler Venture LLC.

Originating Department:

Housing and Community Development

Ordinance/Resolution:

RESOLUTION NO. 182-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH APPROVING THE CONCEPT PLAN FOR PROPERTY LOCATED AT 8111 SOUTH DIXIE HIGHWAY SUBMITTED BY WOODFIELD-FLAGLER VENTURE, LLC.; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 182-23.

Background Information:

By Resolution No. 220-20, the City Commission made a determination of surplus of property located at 8111 South Dixie Highway and authorized City staff to develop an invitation to negotiate proposals for the purchase or lease and development of 8111 South Dixie Highway for a development of significant impact and prominence that will maximize the development potential of the site and act as a catalyst for additional development and positive economic impact for the City's south end, as well as provide a noticeable gateway to the City. In accordance with the Invitation to Negotiate (ITN) 20-21-503 and by way of Ordinance No. 5029-22, the City of West Palm Beach Commission selected and approved an Agreement for Purchase and Sale of the property with Flagler Realty & Development, Inc., in joint partnership with Woodfield Development Company (as a joint venture, Woodfield-Flagler Venture LLC).

In accordance with Section 8.2 of the Agreement, the Developer is required to submit to the City Commission, in its proprietary capacity as property owner (and not in its regulatory capacity), a final concept plan for the project within six (6) months of the approval of the Agreement. The purpose of this provision is to ensure that concept plan is materially consistent with the Agreement and the preliminary plan that was initially presented to the City Commission.

The Developer presented the final concept plan to residents and stakeholders at a community meeting held on Wednesday, July 12, 2023 at 6:30 PM at the West Palm Beach Golf Park. A summary of the feedback received will be part of the Developer's presentation to the City Commission.

The final concept plan includes conceptual drawings, architectural renderings, exterior elevation and facade renderings, parking plan, preliminary site and landscaping plans, and a narrative description of the design and other elements.

The final concept plan will still require Planning & Zoning approvals pursuant to the requirements of the City of West Palm Beach Code of Ordinances, including the Zoning and Land Development Regulations and requirements of any other governmental approvals. The approval of this Resolution in no way constitutes, or is to be construed as site plan approval or issuance of a development order.

City staff recommends approval of Resolution No. 182-23 as the final concept plan, which is consistent with the goals of the City issued ITN and the plans initially presented and approved by the City Commission.

In the event the proposed Concept Plan is not approved, the Developer would have the right to terminate the Agreement.

Commission District 5: Commissioner Christina Lambert.

Fiscal Note:

No fiscal impact.

8. PUBLIC HEARING

- 8.1. Public Hearing and First Reading of Ordinance 5036-23 amending Chapter 22, Article XII, of the City's Code of Ordinances, providing for repeal of an ordinance that is now preempted to the state per state law.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

ORDINANCE NO. 5036-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, REPEALING SECTIONS 22-448 AND 22-449 OF ARTICLE XII OF CHAPTER 22 (BUSINESS REGULATIONS – RENTAL DWELLING UNITS), WHICH REQUIRED WRITTEN NOTICE BY LANDLORDS FOR TERMINATION OF CERTAIN TENANCIES, AND WHICH REQUIRED WRITTEN NOTICE BY LANDLORDS OF RENTAL PAYMENT INCREASES IN CERTAIN TENANCIES; DECLARING ANY SPECIFIC PROVISION OF ANY CITY OF WEST PALM BEACH ORDINANCE, RESOLUTION, RULE OR POLICY IN CONFLICT WITH THIS ORDINANCE NULL, VOID, AND REPEALED TO THE EXTENT OF SUCH CONFLICT; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING A CODIFICATION CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5036-23 on first reading and to schedule second reading for August 7, 2023.

Background Information:

In 2022, the Commission adopted Ordinance No. 5007-22 requiring a 60-day notice prior to termination or rent increase in certain residential tenancies. During this 2023 State legislative session, CS/HB 1417 was adopted (now Laws of Florida 2023-314), which specifically preempts regulations relating to notice under the landlord/tenant statute to the State (per sec. 83-425, Florida Statutes). The preemption supersedes any regulation adopted by the City. Accordingly, the current sections in the City code (sec. 22-448 and sec. 22-449) should be repealed so as not to be inconsistent with State law.

Ordinance No. 5036-23 will repeal the residential tenancy sections in Chapter 22, Article XII (Businesses and Business Regulation, Rental Dwelling Units). The remaining sections in Article XII are not affected or changed by this repeal. Staff recommends approval of Ordinance No. 5036-23 on first reading, and second reading will be scheduled for August 7, 2023.

Fiscal Note:

There is no cost associated with this repeal.

- 8.2. Public Hearing and First Reading of Ordinance No. 5048-23 regarding a text amendment to the City’s Code of Ordinances, Chapter 94, Zoning and Land Development Regulations, Section 94-203, to add “cultural facilities” as an eligible use to apply for a parking waiver within a Community Service Planned Development District.

The above-referenced request is being made by Jon Schmidt of Schmidt Nichols, on behalf of Cox Science Center an Aquarium, Inc.

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 5048-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 94 - ZONING AND LAND DEVELOPMENT REGULATIONS, ARTICLE VII – SPECIAL DISTRICTS, SECTION 94-203 – COMMUNITY SERVICE PLANNED DEVELOPMENT DISTRICT TO ADD CULTURAL FACILITIES AS A USE ELIGIBLE TO APPLY FOR A PARKING WAIVER WITHIN A COMMUNITY SERVICE PLANNED DEVELOPMENT DISTRICT; DECLARING THIS AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5048-23 for a text amendment to the City’s Code of Ordinances, Chapter 94, Zoning and Land Development Regulations, Section 94-203, to add cultural facilities as a use eligible to apply for a parking waiver within a Community Service Planned Development zoning district. 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 Section 94-32 of the City’s Zoning and Land Development Regulations.

Background Information:

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

This application is a privately-initiated text amendment to the City’s Zoning and Land Development Regulations (ZLDRs) to add “cultural facilities” as an eligible use to apply for a parking waiver within a Community Service Planned Development (CSPD) zoning district. Currently, only schools (public and private colleges/universities) are eligible to apply for a parking waiver within a CSPD zoning district.

In 1995, the City entered into a long-term lease agreement with the Cox Science Center and Aquarium (the “Science Center”) to operate within Dreher Park. The lease agreement enabled the Science Center to develop a Master Plan for the facility and undertake a capital fundraising campaign to finance improvements associated with the Master Plan. The lease agreement was subsequently amended in 2010, 2012, and 2015 to expand the lease area boundaries and other terms. In recent years, the Science Center became the recipient of a large donation, which enabled the Science Center to move forward with a major expansion of their facility within the confines of their lease area. The application for the proposed

expansion project includes a request to rezoning the lease area to a CSPD to allow the expansion and some flexibility from the requirements of the ZLDRs, including parking.

The purpose of the amendment is to allow the Science Center, a cultural facility, the ability to apply for a parking waiver to address the parking requirements for the use within the constraints of their lease area. The location of the Science Center within Dreher Park provides a great opportunity to utilize available parking within the park and outside of the lease area boundaries to address the parking associated with the expansion.

Staff does not object and supports the proposed text amendment. The text amendment requires that only “cultural facilities” (a use that generally provides benefits to the public) is added as a use that is eligible to apply for a parking waiver within a CSPD. The proposed text amendment will not change the criteria or process for parking waivers within a CSPD zoning district.

PLANNING BOARD: After a Public Hearing on June 20, 2023, the Planning Board recommended approval (5-0) of the request.

PUBLIC NOTICE: Ordinance No. 5048-23 will be advertised in the Palm Beach Post on July 28, 2023 prior to Second Reading.

Ordinance No. 5048-23 approves the text amendment.

Commission District: The amendment applies City-wide.

9. PUBLIC HEARING - QUASI-JUDICIAL

Disclosure of ex-parte communications, if any*

Swearing-in of witnesses.

- 9.1. Public Hearing and Second Reading of Ordinance No. 5023-22 designating the Florida Public Utilities Company (FPUC) building on the West Palm Beach Register of Historic Places.

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 5023-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DESIGNATING 401 SOUTH DIXIE HIGHWAY AS A HISTORIC SITE ON THE WEST PALM BEACH REGISTER OF HISTORIC PLACES, AS FURTHER LEGALLY DESCRIBED HEREIN; PROVIDING A

SEVERABILITY CLAUSE; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

THIS ITEM IS BEING CONTINUED TO THE NOVEMBER 13, 2023 CITY COMMISSION MEETING.

- 9.2. Public Hearing and First Reading of Ordinance No. 5049-23: A Rezoning to change the zoning designation of approximately ±10.5 acres within Dreher Park, generally located east of Interstate-95 and approximately 970 feet north of Summit Boulevard from Recreation and Open Space (ROS) to Community Service (CS);

Public Hearing and First Reading of Ordinance No. 5050-23: A further Rezoning changing approximately ±10.5 acres within Dreher Park, generally located east of Interstate-95 and approximately 970 feet north of Summit Boulevard from Community Service (CS) to Community Service Planned Development (CSPD); and

Discussion of Resolution No. 172-23 approving the development regulations and conditions for the Cox Science Center and Aquarium Community Service Planned Development (CSPD) and granting waivers of the Zoning and Land Development Regulations.

The above-referenced requests are being made by Jon Schmidt of Schmidt Nichols, on behalf of Cox Science Center and Aquarium, Inc., to provide for a 73,356 square foot expansion of the Cox Science Center and Aquarium facility and associated site improvement within their lease area boundaries.

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 5049-23: 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, BY REZONING APPROXIMATELY 10.5 ACRES WITHIN DREHER PARK, GENERALLY LOCATED EAST OF INTERSTATE-95 AND APPROXIMATELY 970 FEET NORTH OF SUMMIT BOULEVARD FROM RECREATION AND OPEN SPACE TO COMMUNITY SERVICE; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 5050-23: 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,

BY REZONING APPROXIMATELY 10.5 ACRES WITHIN DREHER PARK, GENERALLY LOCATED EAST OF INTERSTATE-95 AND APPROXIMATELY 970 FEET NORTH OF SUMMIT BOULEVARD FROM COMMUNITY SERVICE TO COMMUNITY SERVICE PLANNED DEVELOPMENT; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 172-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE DEVELOPMENT REGULATIONS AND CONDITIONS FOR THE COX SCIENCE CENTER AND AQUARIUM COMMUNITY SERVICE PLANNED DEVELOPMENT; GRANTING WAIVERS OF THE ZONING AND LAND DEVELOPMENT REGULATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5049-23, changing the zoning designation of ±10.5 acres located within Dreher Park, generally located east of Interstate-95 and approximately 970 feet north of Summit Boulevard from Recreation and Open Space to Community Service. 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. 5050-23, changing the zoning designation of 10.5 acres located within Dreher Park, generally located east of Interstate-94 and approximately 970 feet north of Summit Boulevard from Community Service to Community Service 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 and 94-35(c) of the City's Zoning and Land Development Regulations.

Discuss Resolution No. 172-23, which will approve the development regulations and conditions for the Cox Science Center and Aquarium Community Service Planned Development and grant waivers of the Zoning and Land Development Regulations.

Background Information:

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

The Cox Science Center and Aquarium (the "Science Center") currently has a long-standing lease agreement with the City to locate and operate within Dreher Park. The Science Center has been located within the park

since 1961 and the lease area is currently comprised of two non-contiguous lease area parcels totaling ±6.55 acres.

As the recipient of a large donation in recent years, the Science Center developed a Strategic Plan in 2017 to guide the improvement and expansion of the facility over an 8 (eight) year period (from 2017 through 2025). The final phase of the Strategic Plan provides for a major expansion of the facility, which requires the current lease area boundaries to be increased to accommodate the proposed expansion.

Currently, the applicant and the City are in the process of amending the lease area boundaries within Dreher Park to add an additional ±3.95 acres to the Science Center lease area. Once the lease agreement is finalized, the Science Center lease area will be consolidated into one (1) parcel totaling ±10.5 acres.

To enable the expansion project that would complete the Science Center Strategic Plan, the ±10.5-acre lease area must be rezoned to a Community Service Planned Development (CSPD). The requests are summarized in the Ordinances and Resolution below:

Rezoning from Recreation and Open Space to Community Service (Ordinance No. 5049-23)

As noted above, the Science Center is an existing longstanding use within Dreher Park. Since the existing use is a community service-type use (a “use that benefits and serve the public,” as defined in Future Land Use Element Policy 1.1.2 of the City’s Comprehensive Plan), the proposed Community Service (CS) zoning designation of the lease area would be more complementary to the Science Center use than the existing zoning designation of Recreation and Open Space (ROS), which emphasizes open space recreational-type uses (i.e. parks). The rezoning to CS is necessary to further rezoning the lease area to a Community Service Planned Development (CSPD) for consistency.

Rezoning to Community Service Planned Development (Ordinance No. 5050-23)

A further rezoning of the lease area to a CSPD is required to enable the applicant to seek waivers from the Zoning and Land Development Regulations (ZLDRs), which is necessary in order to accommodate the expansion of the Science Center within the constraints of their lease area.

Cox Science Center and Aquarium CSPD (Resolution No. 172-23)

The Cox Science Center and Aquarium CSPD establishes the development regulations and conditions applicable to the Science Center

lease area, including the site development plan for the expansion and the waivers necessary to accommodate the expansion project within the constraints of the Science Center lease area. The expansion project provides for the construction of 73,356 square feet of additional building within the lease area (a three-story 66,896 square feet extension of the existing main Science Center building, and a 6,460 square foot new Operations building) and associated site improvements.

To accommodate the proposed expansion project, the applicant is seeking the following four (4) waivers from the requirements of the ZLDRs:

1. Minimum parking for cultural facilities
2. Minimum building separation
3. Perimeter landscape buffer
4. Fence/gate height within the required front setback

CONCLUSION: The rezoning to CSPD will enable the Science Center to proceed with the final phases of its expansion project, while maintaining full integration and compatibility with the existing circulation pattern and uses within Dreher Park. The waivers are necessary to accommodate the proposed development plan for the Science Center expansion within the constraints of their lease area. The waivers have been analyzed based on the applicant's justification, mitigation measures, necessity to provide for an integrated project with the surrounding environment and appropriateness in meeting the intent of the ZLDRs, and standards for qualitative design. It is staff's professional opinion that the rezoning, the requested waiver and the development plan for the expansion complies with the standards required by the City's Comprehensive Plan and ZLDRs, and therefore, staff is recommending approval of the requests subject to the conditions contained in Resolution No. 172-23.

PLANNING BOARD: After a Public Hearing on June 20, 2023, the Planning Board recommended approval (5-0) of the requests, subject to the conditions contained in Resolution No. 172-23.

PUBLIC NOTICE: Individual notices were mailed to all property owners within 500 feet of the subject lease area, and signs were posted along the perimeter of Dreher Park. In accordance with the advertising requirement of the ZLDRs, a legal ad for Ordinance No. 5049-23, Ordinance No. 5050-23, and Resolution No. 172-23 will be advertised prior to Second Reading.

Commission District 5: Commissioner Christina Lambert.

- 9.3. Resolution No. 157-23: A request by Joni Brinkman of Urban Design Studio, on behalf of Palm Beach Atlantic University, Inc., for the abandonment of a 0.3-acre (12,596 square foot) portion of the Gruber Place right-of-way, located west of and perpendicular to South Olive Avenue.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 157-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, VACATING AND ABANDONING A PORTION OF THE GRUBER PLACE RIGHT-OF-WAY, CONSISTING OF APPROXIMATELY 0.3 ACRES (12,596 SQUARE FEET), AND LOCATED WEST OF AND PERPENDICULAR TO SOUTH OLIVE AVENUE; 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. 157-23.

Background Information:

This request is for the proposed abandonment of a 0.3-acre (12,598 square foot) portion of the Gruber Place public right-of-way, located west of and perpendicular to South Olive Avenue and adjacent to the boundaries of the Palm Beach Atlantic University Community Service Planned Development (CSPD).

In October 2022, the applicant submitted an application for a Major Planned Development Amendment to the Palm Beach Atlantic University CSPD for the construction of a School of Business building and a concurrent application for the abandonment of a portion of the Gruber Place right-of-way. The subject abandonment is necessary to develop the six-story 125,915 square foot School of Business building, to be located just south of the University's Warren Library. The construction of the School of Business building will be considered by Resolution No. 158-23, which is also scheduled to be heard by the City Commission at the July 24, 2023 meeting.

If the abandonment is approved, it will add 12,598 square feet (the portion of the abandonment) to the Palm Beach Atlantic University CSPD, increasing the size of the CSPD from ±19.11 acres to ±19.41 acres.

The abandonment would not result in any negative impact to the surrounding area. The parcel has little development potential to anyone other than the adjoining property owner (Palm Beach Atlantic University), and the abandonment will not disrupt traffic circulation and accessibility, as

the remaining portion of Gruber Place will maintain full access to the surrounding street network. There are currently utilities within the subject right-of-way; however, the utilities will be relocated with the construction of the new School of Business School building.

COMPENSATION TO THE CITY: The value for the subject right-of-way, as estimated by an appraisal conducted by Anderson & Carr, Inc. and dated January 5, 2023, was appraised at \$3,150,000; however, City Administration has offered a 15 percent (15%) discount from the appraised value, that is consistent with the City's land management policy, and to which the applicant has agreed to pay. The compensation to the City with the 15 percent (15%) discount is \$2,677,500.

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

NOTICES: Pursuant to the requirements of Section 78-215(b) of the Code of Ordinances, individual notices were mailed to all property owners within 400 feet of the subject abandonment, and signs were also posted in the area of the subject abandonment.

Resolution No. 157-23 approves the abandonment.

Commission District 5: Commissioner Christina Lambert.

Fiscal Note:

\$2,677,500 consideration to be paid by the applicant.

- 9.4. Public Hearing of Resolution No. 158-23 regarding a Major Amendment to the Palm Beach Atlantic University (PBAU) Community Service Planned Development (CSPD) to amend the Master Plan and provide for the construction of a six-story, 125,915 square foot School of Business building.

The above-referenced request is being made by Joni Brinkman of Urban Design Studio, on behalf of Palm Beach Atlantic University, Inc.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 158-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE PALM BEACH ATLANTIC UNIVERSITY COMMUNITY SERVICE PLANNED DEVELOPMENT (CSPD), GENERALLY LOCATED BETWEEN SOUTH DIXIE HIGHWAY AND SOUTH FLAGLER DRIVE, SOUTH OF OKEECHOBEE

BOULEVARD, TO AMEND THE MASTER PLAN AND PROVIDE FOR THE CONSTRUCTION OF A SCHOOL OF BUSINESS BUILDING, GENERALLY LOCATED WEST OF SOUTH OLIVE AVENUE, BETWEEN KINGS COURT AND ACACIA ROAD; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 158-23 for a Major Amendment to the Palm Beach Atlantic University Community Service Planned Development to amend the Master Plan and provide for the construction of a School of Business building, generally located west of South Olive Avenue, between Kings Court and Acacia Road. 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.

Background Information:

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

The Palm Beach Atlantic University (PBAU) Community Service Planned Development (CSPD) is comprised of approximately ±19.4 acres, and is generally located between Okeechobee Boulevard to the north and Jefferson Road to the south, and between South Flagler Drive to the east and South Dixie Highway to the west. The history of PBAU began in 1968 when it was housed in the former facilities of First Baptist Church. As years went by, the University established its own identity as a planned development. In 1986, the first Master Plan for the PBAU campus was approved; at the time, the campus was comprised of less than five (5) acres. Today, the PBAU CSPD has grown to over 19 acres and has a current faculty and student population of over 2,800 (part-time and full-time faculty and students).

The applicant is requesting a Major Amendment to the PBAU CSPD to amend the Master Plan and provide for the construction of a six-story, 125,915 square foot School of Business building on ±2.07 acres within the boundaries of the CSPD. The subject area for the construction of the School of Business building is located on the west side of South Olive Avenue, between Kings Court and Acacia Road, just south of the University's Warren Library and east of the Greene Complex. Currently, the subject area is comprised of an existing parking lot, a segment of an existing public right-of-way (Gruber Place), and part of a campus field. It is important to note that the applicant has filed a concurrent petition for the abandonment of a 12,596 square foot (0.30 acres) portion of Gruber Place within the subject area to enable the development of the proposed school building. This abandonment of Gruber Place is also scheduled to be heard

by the City Commission at the July 24, 2023 meeting by Resolution No. 157-23.

The proposed School of Business is intended to serve the existing students and faculty at the University, and therefore, the development will not have an impact to the parking demand for the University. Currently, the PBAU CSPD is approved for a maximum student population of 3,000 (current campus population is 2,877 full-time and part-time faculty/staff and students). According to the development plan, the new School of Business building will provide for a 300-seat lecture hall, a main reception and dining area on the first level, and classrooms, offices and outdoor terraces on the upper levels.

The proposed development does not seek any waivers from the City's Zoning and Land Development Regulations and complies with the provisions of the PBAU CSPD Master Plan and of the Standards required by the City's ZLDRs; and therefore, staff is recommending approval of the applicant's request, subject to the conditions contained in Resolution No. 158-23.

PLANNING BOARD: After a Public Hearing on June 20, 2023, the Planning Board recommended approval (4-0) of the request.

NOTICES: Individual notices were mailed to all property owners within 500 feet of the Palm Beach Atlantic University CSPD boundary, and signs were also posted along the boundaries of the planned development. In accordance with the advertising requirements of Section 94-39(j) of the Zoning and Land Development Regulations, Resolution No. 158-23 was advertised in the Palm Beach Post on July 14, 2023.

Resolution No. 158-23 approves the Major Amendment to the Palm Beach Atlantic University Community Service Planned Development.

Commission District 5: Commissioner Christina Lambert.

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.