



401 Clematis Street  
West Palm Beach, Florida 33401  
(561) 822-2222 (TTY) 800-955-8771  
[www.wpb.org](http://www.wpb.org)

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  
Monday, November 13, 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 September 5, 2023.

**Originating Department:**

Mayor's Office

- 6.2. Minutes of the Special City Commission Meeting of September 11, 2023.

**Originating Department:**

Mayor's Office

- 6.3. Minutes of the Regular City Commission Meeting of September 18, 2023.

**Originating Department:**

Mayor's Office

- 6.4. Minutes of the Special City Commission Meeting of September 27, 2023.

**Originating Department:**

Mayor's Office

- 6.5. Resolution No. 108-23 directing the temporary closure of Gardenia Street from South Rosemary Avenue to South Quadrille Boulevard for the construction of 550 South Rosemary Avenue, 545 and 525 Hibiscus Street, and 520 Gardenia Street for a period of approximately 2.5 years.

**Originating Department:**

Engineering

**Ordinance/Resolution:**

RESOLUTION NO. 108-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DIRECTING THE TEMPORARY CLOSURE OF A PORTION OF GARDENIA STREET FOR AN APPROXIMATE 2.5 YEAR DURATION FROM SOUTH ROSEMARY AVENUE TO SOUTH QUADRILLE BOULEVARD FOR CONSTRUCTION ON PROPERTY FRONTING GARDENIA STREET; PROVIDING AN EFFECTIVE DATE; AND OTHER PURPOSES.

**Background Information:**

CityPlace Retail, LLC (the "Applicant") is seeking a prolonged road closure of Gardenia Street from South Rosemary Avenue to South Quadrille Boulevard in connection with the proposed construction of what is currently the 'C' Block within The Square.

A Right of Way (ROW) Permit was issued and approved by the City's Engineering Department in June 2023 for the road closure, related to the demolition of the existing building, that expires on December 31, 2023. The Applicant is seeking a prolonged closure to facilitate their construction activities anticipated through June 30, 2026. City Commission Approval is required as the duration of the closure request is not within the standard ROW permit issuance. The road closure fee is calculated to be \$751,575. This funding is allocated to the City's Gas Tax revenue account that is utilized for public improvements, such as road paving and sidewalk repairs.

#### Justification Statement

- Ease construction traffic in and around The Square by closing down Gardenia to feed the various construction activities of the job and taking the traffic off the main thoroughfares through The Square (S. Rosemary Avenue and Hibiscus Street). Note that Gardenia was primarily used as egress for the Gardenia garage and loading associated with recently demolished 'C' Block tenants and the street had limited pedestrian activity. Given that both the Gardenia garage has been demolished; and no loading will be required for the 'C' Block; limited vehicular activity, other than construction vehicle activity, is anticipated to require access to Gardenia Street during the proposed construction period.
- Maintain public safety within the downtown by closing sidewalks and roadways in close proximity to the construction site.
- Fencing of the site into the ROW is critical in order to allow for all of the future improvements to be constructed in the ROW (such as new sidewalks, lighting, landscaping, etc.).
- Being that the closure has been in effect since mid-2023, no public complaints have been received by the Engineering Department regarding this specific road closure.

Commission District 3: Commissioner Christy Fox.

#### **Fiscal Note:**

This resolution will result in no expenditures for the City. The associated revenue will be allocated to the City's Gas Tax revenue account that is utilized for public improvements, such as road paving and sidewalk repairs.

- 6.6. Resolution No. 264-23 accepting a grant from the Department of Environmental Protection for funding assistance of up to \$800,000 for the Tidal Valve Adaptation Project (Phase II); and

Resolution No. 268-23(F) amending the Stormwater Utility Renewal, Replacement and Improvement Fund to recognize a grant from the Department of Environmental Protection for the Tidal Valve Adaptation Project in the amount of \$800,000.

**Originating Department:**

Engineering

**Ordinance/Resolution:**

RESOLUTION NO. 264-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A RESILIENT FLORIDA GRANT FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION IN THE AMOUNT OF \$800,000 TO FUND THE FLOOD MITIGATION TIDAL VALVE PROJECT; APPROVING THE GRANT AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 268-23(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 2023/2024 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE STORMWATER UTILITY RENEWAL, REPLACEMENT AND IMPROVEMENT FUND BUDGET TO RECOGNIZE A GRANT FROM THE DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE STORMWATER OUTFALL TIDAL VALVE PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

The Florida Department of Environmental Protection (FDEP) Resilient Florida program includes grants that are available to counties, municipalities, water management districts, flood control districts, and regional resilience entities to effectively address the impacts of flooding and sea level rise facing the State, including funding assistance to analyze and plan for vulnerabilities, as well as implement adaptation and mitigation projects. Florida Statutes Section 380.0937 establishes grant requirements.

A Grant in the amount of \$800,000 (with 50% match required for a total project cost of \$1.6M) was awarded by FDEP through its Resilient Florida Program to install tidal valves at seven (7) large diameter (42 inches or greater in diameter) outfall pipes along Flagler Drive to help mitigate flooding on Flagler Drive during high tide events caused by the backflow of seawater through storm drain inlets. The project scope includes the

installation of the tidal valves, rehabilitating and or replacing storm drainage pipes, and adding additional storm drainage structures as needed for proper installation and operation of the valves.

The locations of the applicable outfalls are:

- District 1: S. Lakeside Court
- District 3: 9th Street
- District 5: Cordova Road, Sunset Road, Monceaux Road, Monroe Drive, and Edmor Road

By Resolution No. 194-23 the City Commission authorized submittal of an application for this grant under the Resilient Florida program.

The Project completion is targeted for June 30, 2026.

Resolution No. 264-23 accepts the grant and authorizes execution of the grant agreement, City of West Palm Beach Tidal Valve Adaptation Project (23FRP44), with the FDEP.

The grant requires a 50/50 match of \$800,000 by the City for a total project cost of \$1.6 Million.

Resolution No. 268-23(F) amends the Stormwater Renewal, Replacement and Improvement Fund to recognize the FDEP Grant Revenue in the amount of \$800,000 and provide additional appropriation of \$800,000 for the City of West Palm Beach Tidal Adaptation Project (23FRP44), City Project No. 92061971.

Commission District 1: Commissioner Cathleen Ward.

Commission District 3: Commissioner Christy Fox.

Commission District 5: Commissioner Christina Lambert.

**Fiscal Note:**

Approval recognizes the grant proceeds. The grant is in the amount of \$800,000 for a total project cost of \$1,600,000.

- 6.7. Resolution No. 295-23 approving an amendment to the agreement among the City of West Palm Beach, the West Palm Beach CRA, and 300 Banyan, LLC for the construction of City improvements in a portion of the 300 block alley located between Banyan Boulevard and Clematis Street.

**Originating Department:**

Engineering

**Ordinance/Resolution:**

RESOLUTION NO. 295-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH APPROVING AMENDMENT NO. 1 TO THE AGREEMENT AMONG THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY, THE CITY OF WEST PALM BEACH, AND 300 BANYAN LLC, REGARDING AN EXPANSION OF THE SCOPE OF WORK AND ADDITIONAL FUNDING IN THE AMOUNT OF \$450,000 FOR CITY IMPROVEMENTS IN THE ALLEY LOCATED IN THE 300 BLOCK BETWEEN CLEMATIS STREET AND BANYAN BOULEVARD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

Last April 3, 2023, the City Commission approved Resolution No. 81-23 for an agreement between the City, the CRA, and 300 Banyan LLC related to the construction of improvements to the 300 block alley located between Clematis Street, Banyan Boulevard, Olive Avenue, and Dixie Highway for a total amount of \$2,500,000.

The approved agreement includes the construction of the Phase I alley improvement on the portion of the alley immediately adjacent to the 300 Banyan office project being developed by 300 Banyan LLC (eastern portion of alley). The construction of the improvements in Phase I is currently underway.

As the construction advanced, it has been determined that some work originally contemplated for Phase II will need to be completed during Phase I. The additional work includes the conversion of overhead to underground utilities for Comcast and AT&T from the western boundary of the 300 Banyan project to Dixie Highway, and the preparation for Phase II of the underground connection of the FPL lines to be performed by the City next year. The cost of the additional work is estimated at \$450,000. Resolution No. 295-23 amends the original agreement to expand the scope of work and includes the additional funding provided by the CRA.

The CRA budget for FY 22/23 included a total allocation of \$5,000,000 for the completion of the entire project. CRA Resolution No. 23-9 approved the agreement for the funding of Phase I, with a total cost of \$2,500,000; and funds have been encumbered. The remaining \$2,500,000 was allocated for Phase II. Companion CRA Resolution No. 23-35 will transfer \$450,000 from Phase II funding to Phase I providing approval for the additional funding and the expanded scope of work.

CRA District - Downtown / City Center District.

Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

No fiscal impact.

- 6.8. Resolution No. 278-23 accepting a grant in the amount of \$10,000 from Simply Healthcare Plans, Inc. for funding a healthy gardening program at Pleasant City Youth Empowerment Center; and

Resolution No. 279-23(F) accepting and appropriating funding in the amount of \$10,000 from Simply Healthcare Plans, Inc. to integrate healthy gardening and healthy eating habits program for students at the Pleasant City Youth Empowerment Center.

**Originating Department:**

Parks and Recreation

**Ordinance/Resolution:**

RESOLUTION NO. 278-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A GRANT AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND SIMPLY HEALTHCARE PLANS, INC. FOR FUNDING A HEALTHY GARDENING PROGRAM AT THE PLEASANT CITY YOUTH EMPOWERMENT CENTER; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 279-23(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 2023/2024 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 RECOGNIZE THE DONATION OF \$10,000 FROM SIMPLY HEALTHCARE PLANS, INC. FOR THE INTEGRATION OF HEALTHY GARDENING AND HEALTHY EATING HABITS PROGRAM FOR STUDENTS AT THE PLEASANT CITY YOUTH EMPOWERMENT CENTER; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

Simply Healthcare Plans, Inc. has partnered with the Pleasant City Youth Empowerment Center and generously donated \$10,000 to create a healthy gardening and healthy eating program.

With this donation, the Pleasant City Youth Empowerment Center will implement a two (2) year healthy gardening program for approximately 30-40 youths ages 12-18 to provide a hands-on experience with basic cooking skills, nutrition, food safety, and healthy eating habits.

Commission District 1: Commissioner Cathleen Ward.

**Fiscal Note:**

Approval of this item will provide \$10,000 to implement and foster the growth of a Center garden and healthy habits to approximately 30-40 youths aged 12-18 years old at the Pleasant City Youth Empowerment Center.

- 6.9. Resolution No. 282-23 endorsing the Southeast Florida Climate Action Pledge and supporting the Regional Climate Action Plan.

**Originating Department:**

Public Utilities

**Ordinance/Resolution:**

RESOLUTION NO. 282-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH ENDORSING THE SOUTHEAST FLORIDA CLIMATE ACTION PLEDGE; AGREEING TO JOINTLY ADVANCE STRATEGIC CLIMATE ADAPTATION AND MITIGATION PLANNING, PROGRAMS, POLICIES AND PROJECTS; AND ADVANCING THE IMPLEMENTATION OF THE REGIONAL CLIMATE ACTION PLAN.

**Background Information:**

The Southeast Florida Regional Climate Change Compact is an agreement adopted by the Broward, Miami-Dade, Monroe, and Palm Beach County Commissions in January 2010. The counties recognized the vulnerability of the Southeast Florida region to the impacts of climate change and resolved to work collaboratively on mitigation and adaptation strategies such as: joint policies to influence climate/energy legislation and funding at state and federal levels; developing a Regional Climate Change Action Plan (RCAP); and hosting annual summits to review progress and discuss strategies.

Originally adopted in 2014, the RCAP provides regionally-consistent scientific methodologies for mapping sea-level rise impacts, assessing vulnerability, and understanding the sources of regional greenhouse gas emissions. Additionally, the RCAP's implementation plan included actions items for local and regional governments to support the RCAP goals.

By Resolution No. 163-15 the City Commission originally affirmed support for the Southeast Florida Regional Climate Change Compact and the RCAP.



The third iteration of the RCAP (3.0) was undertaken in 2022 and was designed to align, guide, and support the acceleration of local and regional climate action in Southeast Florida toward a shared vision of a low-carbon, healthy, prosperous, more equitable, and more resilient region.

Resolution No. 282-23 reaffirms the City of West Palm Beach's support for the Southeast Florida RCAP 3.0 and endorses the Climate Action Pledge.

**Fiscal Note:**

No fiscal impact.

- 6.10. Resolution No. 288-23 approving an Ad Valorem Tax Exemption, Completed Work Application for the property located at 2475 South Flagler Drive.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 288-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR THE PROPERTY LOCATED AT 2745 SOUTH FLAGLER DRIVE, WEST PALM BEACH, FLORIDA, AS A RESULT OF THE HISTORIC REHABILITATION OF THE PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

At the May 23, 2023 meeting, the Historic Preservation Board (HPB) reviewed and recommended approval (5-0) of the Completed Work Application for the property at 2745 South Flagler Drive. The HPB determined that the improvements to the historic property were successfully completed according to the Secretary of the Interior's Standards for Rehabilitation. The defining architectural characteristics of the building were preserved, and new features were determined to be compatible.

This contributing property in El Cid was built in 1954 as a split-level single-family house. True to its architectural style, it has a two-car garage straight off the driveway and stairs that lead to the entry. A circular painted brick terrace is the main focal point, as well as two (2) types of finishes of vertical board and batten on the top floor and smooth stucco on the ground floor.

Section 94-51 of the Code of Ordinances sets forth an Ad Valorem Tax Exemption program for historic properties. The program permits a ten (10) year Ad Valorem Tax Exemption for improvements made to historic

properties. To qualify, the property must be designated as an individual site, or as a contributing property within an historic district in the Local and/or National Registers of Historic Places. The property owner is required to apply for the program before improvements are initiated and again after the project is completed. The exemption is given for the City's and County's portion of taxes associated with the increased value of the property due to the improvements.

Significant improvements to the property include a second floor addition on the north portion of the existing house of approximately 1,169 square feet for additional bedrooms and bathrooms, as well as general rehabilitation of the structure. The applicant estimates the work to total \$2,000,000.

The State Legislation allowing this exemption requires that the Commission approve the final application. After the Commission's approval, the information will be forwarded to the Palm Beach County Property Appraiser's office for implementation.

Commission District 5: Commissioner Christina Lambert.

- 6.11. Resolution No. 289-23 approving an Ad Valorem Tax Exemption, Completed Work Application for the property located at 310 Dyer Road.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 289-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR THE PROPERTY LOCATED AT 310 DYER ROAD, WEST PALM BEACH, FLORIDA, AS A RESULT OF THE HISTORIC REHABILITATION OF THE PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

At the May 23, 2023 meeting, the Historic Preservation Board (HPB) reviewed and recommended approval (5-0) of the Completed Work Application for the property at 310 Dyer Road. The HPB determined that the improvements to the historic property were successfully completed according to the Secretary of the Interior's Standards for Rehabilitation. The defining architectural characteristics of the building were preserved, and new features were determined to be compatible.

This property in El Cid built circa 1923 in the Vernacular style is known as the Clarence and Louise Kah House. Both the two-story primary and two-story accessory structure contribute to the district. This two-story, horizontal wood siding and shake finished primary residence is located on the southwest corner of South Olive Avenue and Dyer Road. The main

façade faces north. The house has a hip roof surfaced with composition shingles. A one-story sunroom projects off the east elevation. A two-story, accessory structure, constructed in 1923, is located to the southwest of the residence.

Section 94-51 of the Code of Ordinances sets forth an Ad Valorem Tax Exemption program for historic properties. The program permits a ten (10) year Ad Valorem Tax Exemption for improvements made to historic properties. To qualify, the property must be designated as an individual site, or as a contributing property within an historic district in the Local and/or National Registers of Historic Places. The property owner is required to apply for the program before improvements are initiated and again after the project is completed. The exemption is given for the City's and County's portion of taxes associated with the increased value of the property due to the improvements.

Significant improvements to the property include a two-story addition of approximately 900 square feet on the south elevation of the primary structure for a family room; the addition of an office and breakfast room on the ground floor; and a master bath and closet on the second floor; as well as a general rehabilitation of the structure. The applicant estimates the work to total \$1,550,000.

The State Legislation allowing this exemption requires that the Commission approve the final application. After the Commission's approval, the information will be forwarded to the Palm Beach County Property Appraiser's office for implementation.

Commission District 5: Commissioner Christina Lambert.

- 6.12. Resolution No. 290-23 approving an Ad Valorem Tax Exemption, Completed Work Application for the property located at 225 Monroe Drive.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 290-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR THE PROPERTY LOCATED AT 225 MONROE DRIVE, WEST PALM BEACH, FLORIDA, AS A RESULT OF THE HISTORIC REHABILITATION OF THE PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

At the May 23, 2023 meeting, the Historic Preservation Board (HPB) reviewed and recommended approval (5-0) of the Completed Work

Application for the property at 2745 S. Flagler Drive. The HPB determined that the improvements to the historic property were successfully completed according to the Secretary of the Interior's Standards for Rehabilitation. The defining architectural characteristics of the building were preserved, and new features were determined to be compatible.

This property in the Prospect Park/Southland Park Historic District was built in 1925 in the Mission Revival style by C. K. Vliet, a prominent builder on this street. The two-story primary structure contributes to the district and is known as the Josephine Sinclair House. Typical of this architectural style, is an asymmetrical façade, rough stucco texture, and a mix of roof styles. The house had been vacant for many years.

Section 94-51 of the Code of Ordinances sets forth an Ad Valorem Tax Exemption program for historic properties. The program permits a ten (10) year Ad Valorem Tax Exemption for improvements made to historic properties. To qualify, the property must be designated as an individual site, or as a contributing property within an historic district in the Local and/or National Registers of Historic Places. The property owner is required to apply for the program before improvements are initiated and again after the project is completed. The exemption is given for the City's and County's portion of taxes associated with the increased value of the property due to the improvements.

Significant improvements to the property include general rehabilitation of the structure, including installation of impact windows. The applicant estimates the work to total \$1,600,000.

The State Legislation allowing this exemption requires that the Commission approve the final application. After the Commission's approval, the information will be forwarded to the Palm Beach County Property Appraiser's office for implementation.

Commission District 5: Commissioner Christina Lambert.

- 6.13. Resolution No. 291-23 approving an Ad Valorem Tax Exemption, Completed Work Application for the property located at 202 Lytton Court.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 291-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR THE PROPERTY LOCATED AT 202 LYTTON COURT, WEST PALM BEACH, FLORIDA, AS A RESULT OF THE HISTORIC REHABILITATION OF THE

PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

At the May 23, 2023 meeting, the Historic Preservation Board (HPB) reviewed and recommended approval (5-0) of the Completed Work Application for the property at 202 Lytton Court. The HPB determined that the improvements to the historic property were successfully completed according to the Secretary of the Interior's Standards for Rehabilitation. The defining architectural characteristics of the building were preserved, and new features were determined to be compatible.

The property at 202 Lytton Court is located in the Central Park Historic District, consisting of a contributing primary one-story Frame Vernacular structure built in 1944, and a one-story non-contributing accessory structure (shed) built in 1970.

Section 94-51 of the Code of Ordinances sets forth an Ad Valorem Tax Exemption program for historic properties. The program permits a ten (10) year Ad Valorem Tax Exemption for improvements made to historic properties. To qualify, the property must be designated as an individual site, or as a contributing property within an historic district in the Local and/or National Registers of Historic Places. The property owner is required to apply for the program before improvements are initiated and again after the project is completed. The exemption is given for the City's and County's portion of taxes associated with the increased value of the property due to the improvements.

Significant improvements to the property include additions and alterations of approximately 376 square feet of living space, opening a previously enclosed porch, and other general rehabilitation work. The applicant estimates the work to total \$400,000.

The State Legislation allowing this exemption requires that the Commission approve the final application. After the Commission's approval, the information will be forwarded to the Palm Beach County Property Appraiser's office for implementation.

Commission District 5: Commissioner Christina Lambert.

- 6.14. Resolution No. 292-23 approving an Ad Valorem Tax Exemption, Completed Work Application, for the property located at 809 6th Street.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 292-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA,

GRANTING AN AD VALOREM TAX EXEMPTION FOR THE PROPERTY LOCATED AT 809 6TH STREET, WEST PALM BEACH, FLORIDA, AS A RESULT OF THE HISTORIC REHABILITATION OF THE PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

At the July 13, 2023 meeting, the Historic Preservation Board (HPB) reviewed and recommended approval (6-0) of the Completed Work Application for the property at 809 6th Street. The HPB determined that the improvements to the historic property were successfully completed according to the Secretary of the Interior's Standards for Rehabilitation. The defining architectural characteristics of the building were preserved, and new features were determined to be compatible.

This property in the Northwest Historic District was built in 1926 and was known as the Joseph Bonner Funeral Home and Residence. Over the years, this two-story vernacular structure has been converted to a multi-family building retaining its original massing.

Section 94-51 of the Code of Ordinances sets forth an Ad Valorem Tax Exemption program for historic properties. The program permits a ten (10) year Ad Valorem Tax Exemption for improvements made to historic properties. To qualify, the property must be designated as an individual site, or as a contributing property within an historic district in the Local and/or National Registers of Historic Places. The property owner is required to apply for the program before improvements are initiated and again after the project is completed. The exemption is given for the City's and County's portion of taxes associated with the increased value of the property due to the improvements.

Significant improvements to the property include a complete rehabilitation of the structure including new interiors resulting in a significant improvement in the condition of the building. The applicant estimates the work to total \$650,000.

The State Legislation allowing this exemption requires that the Commission approve the final application. After the Commission's approval, the information will be forwarded to the Palm Beach County Property Appraiser's office for implementation.

Commission District 3: Commissioner Christy Fox.

- 6.15. Resolution No. 293-23 approving an Ad Valorem Tax Exemption, Completed Work Application for the property located at 1225 North Sapodilla Avenue.

**Originating Department:**  
Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 293-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR THE PROPERTY LOCATED AT 1225 NORTH SAPODILLA AVENUE, WEST PALM BEACH, FLORIDA, AS A RESULT OF THE HISTORIC REHABILITATION OF THE PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

At the August 22, 2023 meeting, the Historic Preservation Board (HPB) reviewed and recommended approval (7-0) of the Completed Work Application for the property at 1225 North Sapodilla Avenue. The HPB determined that the improvements to the historic property were successfully completed according to the Secretary of the Interior's Standards for Rehabilitation. The defining architectural characteristics of the building were preserved, and new features were determined to be compatible.

The Locust House, historically known as 917 Locust Avenue, was originally located in the Hillcrest Neighborhood of West Palm Beach. It was originally relocated to 464 Fern Street, but was recently relocated to 1225 North Sapodilla Avenue. The Locust House is a two-story, Mission Revival style structure with one-story components to the side and rear featuring a flat roof with parapet. A chimney is located to the rear of the structure along with an open-air loggia with arched openings covered by a hip roof surfaced with barrel tile. The front elevation features a wood bracketed hip roof overhang surfaced with barrel tile. Fenestration includes wood multi-light French doors and multi-light windows on the front elevation, except for one over one (1/1) sash style windows. The side and rear elevations have sash style one over one (1/1) and casements windows.

Section 94-51 of the Code of Ordinances sets forth an Ad Valorem Tax Exemption program for historic properties. The program permits a ten (10) year Ad Valorem Tax Exemption for improvements made to historic properties. To qualify, the property must be designated as an individual site, or as a contributing property within an historic district in the Local and/or National Registers of Historic Places. The property owner is required to apply for the program before improvements are initiated and again after the project is completed. The exemption is given for the City's and County's portion of taxes associated with the increased value of the property due to the improvements.

Significant improvements to the property include relocation and complete rehabilitation of the property. The applicant estimates the work to total \$300,000.

The State Legislation allowing this exemption requires that the Commission approve the final application. After the Commission's approval, the information will be forwarded to the Palm Beach County Property Appraiser's office for implementation.

Commission District 3: Commissioner Christy Fox.

- 6.16. Resolution No. 302-23(F) recognizes additional revenue and provides appropriations for hiring a full-time Security Manager; and

Resolution No. 304-23(F) amending the full time equivalent (F.T.E.) personnel detail of the General Fund and the Waterfront District Fund.

**Originating Department:**

Human Resources

**Ordinance/Resolution:**

RESOLUTION NO. 302-23(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 2023/2024 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 RECOGNIZE ADDITIONAL REVENUE AND PROVIDE APPROPRIATIONS FOR HIRING A FULL-TIME SECURITY MANAGER; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 304-23(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, TO AMEND THE FULL TIME EQUIVALENT (F.T.E.) PERSONNEL DETAIL OF THE GENERAL FUND FOR THE MAYOR'S OFFICE AND THE WATER FRONT DISTRICT FUND FOR THE DEPARTMENT OF PARKS AND RECREATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

Resolution No. 302-23(F) provides personnel budget appropriations to fund the Security Manager position.

Resolution No. 304-23(F) amends the full time equipment (F.T.E.) personnel detail of the general fund for the Community Redevelopment Agency by adding one (1) Security Manager position. This position is responsible for managing the private security contract and will handle all public inquiries into security matters that pertain to the City and CRA areas where private security services are provided.

This resolution also amends the full time equivalent (F.T.E.) personnel detail of the Waterfront District Fund for the Department of Parks and



Recreation by adding two (2) Event Specialist positions. The funds for these two (2) positions are already approved as part of the FY2024 budget.

**Fiscal Note:**

Approval will recognize additional revenue in the amount of \$200,000 from the CRA to fund the Security Manager position.

- 6.17. Resolution No. 309-23 approving and assignment of design plans among 777 South Flagler Associates LLC, Kimley Horn and Associates, and the City of West Palm Beach related to the rights-of-way for portions of Chase Street, Trinity Drive, and Flagler Drive to the City; and

Resolution No. 310-23 approving and assignment of design plans among 777 South Flagler Associates LLC, Design Studio Boca LLC and the City of West Palm Beach related to the rights-of-way for portions of Chase Street, Trinity Drive and Flagler Drive to the City.

**Originating Department:**

Community Redevelopment Agency

**Ordinance/Resolution:**

RESOLUTION NO. 309-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH APPROVING AN ASSIGNMENT OF PLANS AMONG 777 SOUTH FLAGLER ASSOCIATES LLC, KIMLEY-HORN AND ASSOCIATES, INC., AND THE CITY OF WEST PALM BEACH ASSIGNING DESIGN PLANS RELATED TO THE RIGHTS-OF-WAY FOR PORTIONS OF CHASE STREET, TRINITY DRIVE, AND FLAGLER DRIVE TO THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 310-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH APPROVING AN ASSIGNMENT OF PLANS AMONG 777 SOUTH FLAGLER ASSOCIATES LLC, DESIGN STUDIO BOCA, LLC, AND THE CITY OF WEST PALM BEACH ASSIGNING DESIGN PLANS RELATED TO THE RIGHTS-OF-WAY FOR PORTIONS OF CHASE STREET, TRINITY DRIVE, AND FLAGLER DRIVE TO THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

In July 2022, the City was approached by The Related Companies with a proposal for the revitalization of the streetscapes of portions of Okeechobee Boulevard, South Olive Avenue, and South Flagler Drive, including Chase Street and Trinity Place. Related, a prominent stakeholder, has acquired or manages property within the immediate vicinity of Chase and Trinity. Their property portfolio includes the planned developments of Phillips Point (777 South Flagler Drive) and Esperante (222 Lakeview Avenue), in addition to the 25-story office tower currently

under construction, One Flagler (180 Lakeview Avenue). Within the initial discussions between Related, the City, and CRA, it was quickly understood all parties shared a vision for the improvement of the public realm and pedestrian environment within the area.

The Related Companies engaged the professional services of DSBOCA, a landscape architecture and planning consulting firm, to finalize an overall streetscape and landscape plan. Additionally, the engineering services of Kimley-Horn and Associates Inc., were brought in to work on the preparation of a site, civil, and traffic plans for the subject rights-of-way.

The final streetscape design prepared for the Related companies by the consultants was approved by the City Commission on May 15, 2023 through Resolution No. 87-23, and now The Related Companies desires to assign right, title, and interest in and to the original design contract for the row.

Once the assignment of the design plans is approved, the City will proceed with the procurement of construction contractors for the construction of the streetscape project.

The streetscape improvements are funded by the CRA, and an interlocal agreement between the City and the CRA was already approved by the CRA and the City Commission last June 12, 2023. A maintenance agreement will be entered between the City and the Related Companies for the maintenance of the improvements.

Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

No fiscal impact.

## 7. RESOLUTIONS

- 7.1. Resolution No. 245-23 finding that certain City-owned properties are not needed for City purposes, declaring the properties as surplus, and providing the method of disposition under the City's Housing Assistance Incentives Program.

**Originating Department:**

Housing and Community Development

**Ordinance/Resolution:**

RESOLUTION NO. 245-23: A RESOLUTION OF THE CITY COMMISSION OF WEST PALM BEACH, FLORIDA, FINDING THAT CERTAIN CITY-OWNED PROPERTIES ARE NOT NEEDED FOR CITY PURPOSES; DECLARING SAID PROPERTIES TO BE SURPLUS; APPROVING THE DISPOSITION OF SAID PROPERTIES UNDER THE

CITY'S HOUSING ASSISTANCE INCENTIVES PROGRAM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 245-23.

**Background Information:**

On October 2, 2023, and as required by Florida Statute 166.0451, the City Commission of the City of West Palm Beach approved Resolution No. 244-23 declaring certain properties on the City's and the West Palm Beach Community Redevelopment Agency's real property inventory list are suitable for affordable housing purposes. The six (6) parcels of vacant land described below have not been used for City purposes and have been identified by the City Commission as appropriate for use as affordable housing under the aforementioned resolution.

- 600 14th Street, West Palm Beach, FL
- 1014 10th Street, West Palm Beach, FL
- 1109 Henrietta Avenue, West Palm Beach, FL
- 613 10th Street, West Palm Beach, FL
- 621 10th Street, West Palm Beach, FL
- 427 Macy Street, West Palm Beach, FL

As required by Section 2-31 (27)(b) of the Code of the City of West Palm Beach, Florida, prior to the disposition of City property, the City Commission shall: (i) make a legislative finding that the City property is not needed for City purposes and declaring the property surplus, and (ii) select the method of disposition.

Furthermore, the City's Housing Assistance Incentives Program was approved by Resolution No. 83-16 and amended by Resolution No. 75-18. The methods of disposition identified for the Housing Assistance Incentive Program may include: sale of the properties with proceeds going to the Housing Trust Fund; transfer of properties, at no cost, to a non-profit for the development of affordable housing; sale to non-profits or private parties with a provision that the property be used for an affordable or workforce housing project; or the City may retain the properties to build or preserve affordable or workforce housing.

In furtherance of the City's affordable housing goals, staff recommends making the identified lots available for disposition in accordance with the strategies detailed in the City's Housing Assistance Incentives Program. The conveyance of properties will be presented to the City Commission for approval by resolution pursuant to Section 2-31(27)(g)(7) of the Code of Ordinances.

Properties are located in:

- Commission District 1: Commissioner Cathleen Ward;
- Commission District 3: Commissioner Christy Fox; and
- Commission District 5: Commissioner Christina Lambert.

**Fiscal Note:**

No fiscal impact.

- 7.2. Resolution No. 246-23 finding that certain City-owned properties are not needed for City purposes, declaring the properties as surplus, and providing the method of disposition through a competitive invitation to negotiate with interested parties.

**Originating Department:**

Housing and Community Development

**Ordinance/Resolution:**

RESOLUTION NO. 246-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA FINDING THAT CERTAIN CITY OWNED PROPERTIES ARE NOT NEEDED FOR CITY PURPOSES; DECLARING SAID PROPERTIES TO BE SURPLUS; APPROVING DISPOSITION FOR AFFORDABLE HOUSING BY INVITATION TO NEGOTIATE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 246-23.

**Background Information:**

On October 2, 2023, as required by Florida Statute 166.0451, the City Commission of the City of West Palm Beach approved Resolution No. 244-23 declaring certain properties on the City's and the West Palm Beach Community Redevelopment Agency's real property inventory list are suitable for affordable housing purposes. The five (5) parcels of vacant land described below have not been used for City purposes and have been identified by the City Commission as appropriate for use as affordable housing under the aforementioned resolution.

- 2803 Broadway Avenue, West Palm Beach, FL
- 2813 Broadway Avenue, West Palm Beach, FL
- 2815 Broadway Avenue, West Palm Beach, FL
- 601 27th Street, West Palm Beach, FL
- 611 27th Street, West Palm Beach, FL

As required by Section 2-31 (27)(b) of the Code of the City of West Palm Beach, Florida, prior to the disposition of City property, the City Commission shall: (i) make a legislative finding that the City property is not needed for City purposes and declaring the property surplus, and (ii) select the method of disposition. In furtherance of the City's affordable housing goals, staff recommends issuing a competitive Invitation to

Negotiate (ITN) from interested parties for the identified City- owned properties.

For properties selected for disposition by ITN, City staff is required to develop a competitive solicitation, which requires City Commission approval prior to publication of the notice and the issuance of the ITN. City staff seeks authorization to begin the process of developing the ITN and will seek approval by the City Commission at a future meeting.

Commission District 1: Commissioner Cathleen Ward.

**Fiscal Note:**

No fiscal impact.

## 8. PUBLIC HEARING

- 8.1. Public Hearing and First Reading of Ordinance No. 5071-23 for approval of City-initiated Evaluation and Appraisal Review (EAR) based amendments to multiple elements and to the Map Series of the City's Comprehensive Plan.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 5071-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE INTRODUCTION AND ADMINISTRATION ELEMENT, FUTURE LAND USE ELEMENT, TRANSPORTATION ELEMENT, HOUSING ELEMENT, UTILITIES ELEMENT, RECREATION AND OPEN SPACE ELEMENT, HISTORIC PRESERVATION ELEMENT, CAPITAL IMPROVEMENTS ELEMENT, DOWNTOWN MASTER PLAN ELEMENT AND THE MAP SERIES OF THE COMPREHENSIVE PLAN BASED ON THE EVALUATION AND APPRAISAL REVIEW (EAR) PROCESS OF THE COMPREHENSIVE PLAN; STATING THE INTENT OF THE CITY COMMISSION TO AMEND THE COMPREHENSIVE PLAN IN ACCORDANCE WITH CHAPTER 163 FLORIDA STATUTES; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5071-23 and direct submittal of the adopted amendments to the State Land Planning Agency. This recommendation is based on the findings that these proposed amendments meet Chapter 163, Florida Statutes and all other appropriate Florida statutory requirements and are consistent with the different elements of the City's Comprehensive Plan.

**Background Information:**

The proposed amendments reflect changes in State requirements or legislation; clarify the language in the policies for ease of understanding; combine or eliminate similar or redundant policies; more accurately reflect current practices, processes or conditions; and update outdated references or definitions. These amendments are being undertaken by the City as part of the Evaluation and Appraisal Review (EAR) process outlined by the State.

Florida Statutes Chapter 163.3191 indicates that: “At least once every seven (7) years, each local government shall evaluate its comprehensive plan to determine if plan amendments are necessary to reflect changes in State requirements since the last update of the comprehensive plan, and notify the State land planning agency as to its determination.” The City completed its last evaluation of the Comprehensive Plan, or EAR in 2016 and adopted a series of EAR-based amendments to the Comprehensive Plan at the beginning of 2017.

Based on the State’s schedule, the City of West Palm Beach had to determine no later than December 1, 2022, whether the City’s Comprehensive Plan needed to be updated as part of the EAR process. On November 29, 2022, the City indicated to FloridaCommerce (then Florida Department of Economic Opportunity or DEO) that the City’s Comprehensive Plan would need to be amended to reflect changes in State requirements as well as to reflect changes in local conditions and the City’s vision and desired future outcomes. Based on State requirements, FloridaCommerce indicated to the City that the proposed Comprehensive Plan amendments based on the Evaluation and Appraisal should be transmitted to the State by November 29, 2023.

For the last several months, the City’s Planning Division has been working with City departments and with stakeholder agencies in determining what changes, if any, were required for the elements and maps, which are part of the City’s Comprehensive Plan.

Currently there are thirteen (13) elements in the City’s Comprehensive Plan. Most of these elements are required by the Florida Statutes, while some are optional. In addition, there are twenty-six (26) maps in the Comprehensive Plan’s Map Series. Nine (9) of the thirteen (13) elements are being updated as part of this set of amendments:

1. Introduction and Administration
2. Future Land Use
3. Transportation
4. Housing
5. Utilities
6. Recreation and Open Space
7. Historic Preservation
8. Capital Improvements

## 9. Downtown Master Plan (DMP)

In addition, the five (5) year Capital Improvement Program (CIP) is also being updated as part of this process. Four (4) elements are not being amended at this time:

1. Intergovernmental Coordination
2. Coastal Management
3. Conservation
4. Property Rights

All twenty-six (26) maps in the Map Series are being revised to depict changes in the City's boundaries as a result of recent annexations. Furthermore, most of these maps are also being updated to reflect changes in conditions, since the last EAR process seven (7) years ago.

In general, the proposed EAR-Based amendments to the City of West Palm Beach's Comprehensive Plan are intended to:

1. Reflect changes in State requirements or legislation;
2. Clarify the language in the policies for ease of understanding;
3. Combine or eliminate similar or redundant policies;
4. More accurately reflect current practices, processes or conditions;  
and
5. Update outdated references or definitions.

For the most part, the proposed Comprehensive Plan amendments included in this report are not intended to deal with significant policy issues. Staff does not want to potentially delay transmittal of the EAR-based amendments beyond the November 29, 2023 State-imposed deadline because of the potential sensitive nature of significant policy issues. As a result, potential policy issues, which may require more detailed analysis, or which could be considered more significant, will be addressed through separate amendments to the Comprehensive Plan.

The City's Zoning and Land Development Regulations indicate that the Downtown Action Committee (DAC) should provide a recommendation on proposed amendments to the DMP Element. As a result, the proposed amendments to the DMP Element were presented to the DAC at its September 13, 2023 meeting, where the Committee recommended approval of the amendments. In addition, the proposed amendments to the Historic Preservation Element were discussed with the City's Historic Preservation Board at its August 22, 2023 meeting.

The amendments to the nine (9) elements and twenty-six (26) maps that are being revised were presented to the Planning Board at its September 19, 2023 Public Hearing. The Planning Board recommend approval of

these proposed amendments on a 7-0 vote.

After the first reading by the City Commission, the amendment packet will be sent to the State for their review. State Statutes provide a sixty (60) day review period for EAR-based amendments. Adoption of these amendments by the City Commission is expected sometime around March 2024.

## ANALYSIS

Below is a summary of the main changes proposed for each element and for the maps in the Map Series and some of the reasons behind those proposed changes:

**Introduction and Administration Element:** The Introduction and Administration Element is divided into two (2) sections, a “General” section and a “Definitions” section. The General section of the Element introduces the reader to the City of West Palm Beach’s Comprehensive Plan and to the State’s requirements for Comprehensive Plans and Comprehensive Plan amendments. In addition, this section includes language on the Evaluation and Appraisal of the Comprehensive Plan (EAR) and on Public Participation.

As part of these proposed amendments, references to State requirements and to Chapter 163 of the Florida Statutes are being updated. In addition, the amendment removes outdated references to the Support document for the different elements, updates references to the EAR process and to the Palm Beach Transportation Planning Agency.

Several definitions are being revised to update language dealing with workforce housing and with different State and Federal housing programs.

**Future Land Use Element:** The proposed revisions to the Future Land Use Element include new language that adds flexibility for the provision of affordable workforce housing consistent with the intent of recent State legislation and City efforts. FLU Policy 1.1.3 adds language that may provide additional density or intensity in certain Future Land Use Designations for on-site affordable workforce housing developments. New FLU Goal 6 includes policies that provide a general framework for the establishment of land development processes and regulations to promote a range of affordable workforce housing opportunities. The specifics of these new affordable workforce housing provisions will be included in the City’s Zoning and Land Development Regulations.

Language dealing with Community Development Block Grant (CDBG) areas is being revised to more accurately reflect the City’s redevelopment



and housing strategies and goals.

FLU Policy 1.7.2.2, which deals with the Northwood Mixed Use District (NMUD), is being amended to revise the development caps for NMUD's buildout. The current policy indicates that development in NMUD will not exceed a maximum of 850,000 square feet of retail/commercial uses and 650 residential units. Existing development plus recently approved projects in NMUD will bring the amount of non-residential uses in the district to around 300,000 square feet and to almost 650 residential units. This would mean that no additional residential development could be built in the district, but there would still be around 550,000 square feet of non-residential uses that could be built. It is staff's opinion that it is very unlikely that a substantial amount of additional non-residential development could be built in NMUD, while it is very likely that additional residential could be proposed in the future. As a result, staff is proposing to convert a portion of the unbuilt non-residential capacity (400,000 square feet) into residential capacity (400 residential units). This would mean that the new NMUD development caps would be 450,000 square feet of retail/commercial and 1,050 residential units.

The proposed changes to NMUD's development caps would not only be more accommodating of realistic development trends in the district, but would also have minimal impacts on the district's infrastructure as residential uses tend to have lower impacts on traffic and other facilities than non-residential uses.

**Transportation Element:** Over the last few years, the City has enhanced its multimodal transportation options through several initiatives and projects. Different policies in the Transportation Element are being revised in order to reflect these initiatives and projects. Below is a summary of the main issues that are prompting the proposed amendments to the Transportation Element:

- The City's trolley services have been replaced with other mobility and mass transit options. Policies area being updated to reflect these changes.
- Outdated references to the Palm Beach Metropolitan Planning Organization (MPO) are being revised to reflect the name change to Palm Beach Transportation Planning Agency (TPA).
- Policies dealing with coordination with mass transit providers are being updated to include references to Brightline.
- Language in TE Policy 2..1.1(h) regarding a Constrained Roadway at a Lower Level of Service (CRALLS) at Australian Avenue from Palm Beach Lakes to 25th Street is being revised to remove a

reference to the Peak Hour standard in order to make this policy consistent with the corresponding policy in the County's Transportation Element.

- New TE Policy 2.1.1(m) is being added to reflect the City's interest in exploring the establishment of a multimodal level of service for its streets.
- Policies dealing with Transportation Demand Management (TDM) and Transportation System Management (TSM) strategies are being revised to add references to micromobility and remote work options to reflect recent trends and options.
- Policies that address Complete Streets and ADA requirements are being modified to clarify their intent.
- "Appendix A: List of Required Thoroughfare Right of Way Setbacks and Required Street Widths (Number of Lanes)" is being revised to reflect the accurate Right of Way (ROW) and number of lanes for thoroughfare roads located within the City limits. In addition, references to Roebuck Road now indicate that this proposed road is also known as the "Okeechobee Reliever".

**Housing Element:** The proposed amendments to the Housing Element include: a cross reference to a new Goal in the Future Land Use Element dealing with Workforce Housing; the deletion of a redundant policy; clarification of certain policies, changes to terminology to reflect that the City (and other housing entities) utilize the terms affordable and workforce housing instead of attainable housing; updates to the different housing plans and reports that the City is required to update on a periodic basis; updates to the City's population projections and to the reflect the new (20-year) or 2045 planning horizon consistent with new State laws; and updates to a reference on the most recent Historic Preservation Ordinance.

**Utilities Element:** Recent changes to Florida Statutes require local governments utilize 10-year and 20-year planning horizons for their comprehensive plans, instead of the previous requirement of 5-year and 10-year planning horizons. As a result, the City's 10-year Water Supply Facility Work Plan SubElement (Water Supply Plan), which is part of the Utilities Element, is being updated to a 20-Year plan that includes projections through the year 2045. The updates to the Water Supply Plan include: revisions to the population information for the City's service area based on the County's population projections; new language dealing with water supply and treatment strategies; revised water demand projections based on the new planning horizon; updates to reflect the status of the Alternative Water Supply projects and the City's intent to secure an allocation of the brackish water from the Floridan Aquifer for future use;

and updated information on several capital improvements projects that the Utilities Department is either currently working on or planning for in near future.

The updates to the Utilities Element also include: revisions to policies dealing with groundwater recharge to identify current practices; and changes to current terminology to the Florida Department of Environmental Protection (DEP) drinking water program.

**Recreation and Open Space Element:** The Recreation and Open Space Element is being updated to reflect revised timelines associated with the upcoming update to the 2016 Parks and Recreation Master Plan; changes to the schedules for the review of the Department of Parks and Recreation organization structure, policies and procedures; and other materials required for accreditation.

**Historic Preservation Element:** The proposed revisions to the Historic Preservation Element are minor, and they clarify certain references and terminology; update information regarding the Historic Preservation Ordinance; and remove references to outdated programs.

**Capital Improvements Element:** The proposed amendments to the element include language that: clarifies the need for the City's Utilities Department negotiate with Developers when addressing infrastructure upgrades needed to support new development projects; adds a reference to the South Florida Water Management District's Water Use Permit; adds language dealing with Pump Station Peaking Factor Level of Service in order to make this section consistent with the Utilities Element; and revises a policy in order to potentially allow Developers to contribute to an improvement, when it is in their best interest to accelerate a Capital Improvement Project.

In addition, the updated 5-year Capital Improvements Program (CIP) 2024-2028 is included as an attachment to the Capital Improvement Element.

**Downtown Master Plan Element:** The proposed amendments to the DMP Element deal with the following issues:

- The Introduction section is being updated to reflect the most current development and population data for downtown, to highlight the area's growth since the adoption of the original Downtown Master Plan in 1994 and some of the most recent projects in the DMP.
- A few provisions of DMP Policy 1.1.1 are being revised to reflect the scale, historic character, and desired connectivity

improvements to the Northwest Neighborhood District and the identification of the NoRA District.

- Several policies are being amended to reflect the current name of “The Square” for the district formerly known as Rosemary Square and CityPlace. References to the CityPlace District are still being retained given that the Development of Regional Impact (DRI) for this district was officially adopted as the CityPlace DRI. In addition, the description of the CityPlace District in DMP Policy 1.1.1 is being updated to reflect recent changes on the type of development within the district.
- A reference to the Downtown Master Plan Housing Incentive Program is being updated to reflect the correct name of the program.
- Some policies are being revised in order to reflect current practices and terminology.
- Language in DMP Policy 3.1.3 that includes references to the conversion from the original 1994 Master Plan to the existing FAR-based code adopted in 2007 is being removed from the policy as it does not provide “policy direction”. A revised version of this section is being added to the Introduction section of the DMP Element to provide some historical background to the reader.
- A portion of APPENDIX I “Downtown Master Plan Area - Maximum Development Capacity” is being deleted as it contains outdated development information from 2007, which is no longer relevant. The City’s Comprehensive Plan already outlines the overall capacity for non-residential uses in the downtown area based on the caps set forth within the Transportation Concurrency Exception Area (TCEA) language included in both, the Future Land Use Element and the Transportation Element.

**Map Series Amendments:** Currently, there are twenty-six (26) maps in the Comprehensive Plan Map Series. Ten (10) of those maps are maps associated with the Transportation Element (TE), while the additional maps are related to other elements of the Comprehensive Plan. As part of these proposed amendments, all maps are being updated to reflect changes to the City’s boundaries as a result of annexations. In addition, most maps are being updated to reflect new conditions, since the maps were last updated as part of the last round of EAR-based amendments in 2016-2017.

**Interlocal Plan Amendment Review Committee (IPARC):** Notification of the proposed Comprehensive Plan text amendments was sent to IPARC on September 7, 2023, and to date, the City has not received any

objections or comments.

**Meetings and Public Involvement:** The initial discussion of the EAR-based amendments to the Comprehensive Plan started in 2022, when City staff determined that the Comprehensive Plan needed to be amended in order to reflect changes in State requirements, as well as to reflect changes in local conditions and the City's vision and desired future outcomes. As referenced earlier, the City indicated to the then Florida DEO on November 29, 2022 that it would proceed with amendments to the Comprehensive Plan as part of the EAR-based process.

Starting in February 2023, Planning Division staff communicated and held multiple meetings with different City departments in order to discuss potential revisions to the different elements and maps of the City's Comprehensive Plan. In addition, staff discussed some or multiple aspects of the EAR-based amendments at multiple workshops or public hearings and revised the proposed amendments to reflect, when appropriate, comments received during these meetings.

**Conclusion:** For the last several months, the City's Planning Division has been working with several City departments in determining what changes, if any, were required for all the elements and maps, which are part of the City's Comprehensive Plan.

The amendments proposed in this report are being undertaken by the City as part of the Evaluation and Appraisal Report's (EAR) process outlined by the State. These amendments reflect changes in State requirements or legislation; clarify the language in the policies for ease of understanding; combine or eliminate similar or redundant policies; more accurately reflect current practices, processes or conditions; and update outdated references or definitions.

Throughout this year, several workshops and public hearings have been held to present and get feedback on these amendments. The amendments meet Chapter 163, Florida Statutes and all other appropriate Florida statutory requirements and are internally consistent with the different elements of the City's Comprehensive Plan. Therefore, staff is recommending approval of the proposed amendments to the Comprehensive Plan.

**Fiscal Note:**

No fiscal impact.

- 8.2. Public Hearing and First Reading of Ordinance No. 5073-23 amending the Downtown Master Plan Urban Regulations to provide new language and text cleanups to the definitions, signage requirements, and the North Railroad Avenue (NoRA) subdistrict requirements.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 5073-23: 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 94-109 - DEFINITIONS AND MINIMUM REQUIREMENTS, SECTION 94-110 - SIGNAGE REQUIREMENTS, SECTION 94-124 - NORTH RAILROAD AVENUE DISTRICT, AND SECTION 94-132 - TRANSFER OF DEVELOPMENT RIGHTS PROGRAM; TO PERMIT NEWLY DEFINED COVERED STRUCTURES ON ROOFTOPS, TO EXCLUDE AN INTERSTITIAL NON-ACTIVE PARKING GARAGE LEVEL FROM OVERALL STORY COUNTS, TO EXTEND MIXED-USE SIGNAGE PROVISIONS TO COMMERCIAL PROPERTIES FRONTING NORTH RAILROAD AVENUE, AND TO REVISE NORA GROUND-LEVEL SETBACKS FOR THE NEW STREETScape DESIGN; 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. 5073-23 on First Reading and schedule Second Reading for November 27, 2023.

**Background Information:**

In 2021, the City sought to incentivize and spur development within a stagnating and underdeveloped zoning subdistrict formerly known as Industrial Chic District (ICD) in the northeast portion of the downtown area.

On February 2, 2022, the City Commission adopted Ordinance No. 4985-21 and Ordinance No. 4986-21, which rezoned the ICD districts into what is now known as the North Railroad Avenue District (NoRA) and established the corresponding Zoning and Land Development Regulations (ZLDRs.)

On February 22, 2022, the City Commission adopted Resolution No. 29-22 for a Face of the City approval of a new streetscape design and infrastructure improvements along North Railroad Avenue within the newly established NoRA district.

On July 11, 2023, Meredith Leigh of Shutts & Bowen LLP, on behalf of Place Projects and NDT Development LLC had submitted a downtown development application for a series of Zoning and Land Development

Regulation amendments.

City planning staff, in conjunction with the applicant, held several meetings and work sessions to evaluate the existing and proposed regulations for both the NoRA district and DMP as a whole, cooperatively altering the applicant's original application and refining the end code language of Code Revision Case 23-04. The proposed language effectively corrects language missed during the ZLDR process and allows newly defined covered structures on rooftops, excludes an interstitial non-active parking garage level from overall story counts, extends mixed-use signage provisions to commercial properties fronting North Railroad Avenue, and revises NoRA ground-level setbacks for the new North Railroad Avenue streetscape design.

The Downtown Action Committee recommended approval (4-0) of the Code Revision Case No. 23-04 to the City Commission after a Public Hearing on October 11, 2023.

The Planning Board recommended approval (6-0) of the Code Revision Case No. 23-04 to the City Commission after a Public Hearing on October 17, 2023.

The subject code changes and language updates will affect properties throughout the Downtown Master Plan Area within Commission District 3: Commissioner Christy Fox.

- 8.3. Public Hearing and First Reading of Ordinance No. 5075-23 amending the Code of Ordinances at Chapter 78, Streets, Sidewalks and Public Spaces, Article XVIII: Parklets to revise regulations, standards, and guidelines for the design, construction, and operation of parklets within the Downtown Master Plan area and Northwood Mixed-Use village; and

Resolution No. 296-23 amending the Comprehensive Fee Schedule for Parklets permits.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 5075-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA AMENDING THE CODE OF ORDINANCES, AT CHAPTER 78, STREETS, SIDEWALKS, AND PUBLIC SPACES, TO AMEND AND REPLACE ARTICLE XVIII, PARKLETS, TO REVISE REGULATIONS, STANDARDS, AND GUIDELINES FOR THE DESIGN, CONSTRUCTION, AND OPERATION OF PARKLETS WITHIN THE DOWNTOWN MASTER PLAN AREA AND NORTHWOOD MIXED-USE VILLAGE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER

PURPOSES.

RESOLUTION NO. 296-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE COMPREHENSIVE FEE SCHEDULE FOR PARKLET FEES; PROVIDING FOR THE EXPIRATION OF EXISTING PARKLET PERMITS AND RENEWAL UNDER THE REVISED REGULATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5075-23 amending the Code requirements for Parklets and schedule the Second Reading at the November 27, 2023 City Commission meeting.

Consider Resolution No. 296-23 for approval at Second Reading of Ordinance No. 5075-23.

**Background Information:**

A parklet is a seating platform that converts curbside parking spaces into vibrant community spaces that may provide amenities such as: seating, landscaping, bicycle parking, art, among others. Ordinance No. 4667-16 established Chapter 78, Article XVIII, of the Code of Ordinances, which allowed the creation of parklets in compliance with the regulations.

In concert with the Governor's Executive Order, on May 19, 2020, the City of West Palm Beach issued a Declaration of Emergency, which allowed expanded outdoor seating for restaurants under a Temporary Outdoor Dining (TOD) Program to ensure businesses had the greatest ability to operate successfully during the COVID-19 economic recovery. The TOD program allowed expanded seating on sidewalks and for parklets. After the City's Declaration of Emergency expired, the TOD Program expired, but many businesses desired to retain their expanded outdoor seating.

On March 22, 2021, Ordinance No. 4936-21 updated the regulations for sidewalk café seating to reflect lessons learned from the pandemic and provide additional flexibility for business owners and comfort for pedestrians. However, in the case of the parklets, the regulations have not yet been updated. On November 29, 2021, the City Commission declared a Zoning in Progress for parklets (Ordinance No. 4921-21) in order to facilitate the development and adoption of revised regulations and standards for parklets. On January 9, 2023, Ordinance No. 5030-22 declared an extension to the Zoning in Progress with an expiration date as of 11:59 p.m. on November 29, 2023, or as of the date that newly proposed regulations governing parklets are adopted by the City Commission.

The City, in conjunction with the Downtown Development Authority, worked on developing revised regulations to the City's code regarding the utilization of parklets for businesses within the City. In 2023, the City



gathered feedback on parklet revisions during engagement activities with Northwood Village merchants on August 29, 2023, and downtown merchants on August 30, 2023, as described on the Community Engagement Report - Attachment I.

Ordinance No. 5075-23 amends the regulations regarding parklets.

All current parklet permits will expire January 1, 2024. New applications will need to be submitted under the revised regulations.

Resolution No. 296-23 revises the fees for parklets.

The fee adjustments proposed, reflect the required permit review and compliance monitoring of parklet regulations and update the Metered Parking Space Fee based on the City's current meter rates and parking demand zones.

The revised Parklet Fee Schedule is presented, as part of the revisions to the parklet regulations (Ordinance No. 5075-23) also on this agenda. City staff received input on the proposed regulations and fees with Northwood Village merchants on August 29, 2023 and downtown merchants on August 30, 2023.

The new fee schedule shall become applicable City-wide on December 1, 2023, but will primarily impact those parklets located within the Downtown and Northwood Village, District 1 (Ward) and District 3 (Fox).

The revised Parklet Fee Schedule will include the following:

- \* Location Review Fee - \$50
- \* Application Review Fee - \$250
- \* Metered Parking Space Fee - Zone A (Clematis Street) - \$400/month  
Zone A outside of Clematis Street and Zone B - \$275/month  
Zone C - \$180/month

Commission District 1: Commissioner Cathleen Ward.

Commission District 3: Commissioner Christy Fox.

- 8.4. Public Hearing and First Reading of Ordinance No. 5076-23 granting an Aerial Pedestrian Bridge Easement to KJWPB1,LLC across Eucalyptus Street, a City right-of-way, between 740 and 840 N. Dixie Highway.

**Originating Department:**  
Engineering

**Ordinance/Resolution:**

ORDINANCE NO. 5076-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN AERIAL PEDESTRIAN BRIDGE EASEMENT TO KJWPB1, LLC, ACROSS EUCALYPTUS STREET IN THE AREA BETWEEN 840 N. DIXIE HIGHWAY AND 740 N. DIXIE HIGHWAY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5076-23.

**Background Information:**

In September of 2021, Cielo, now known as Tortoise One, received site plan approval for its mixed-use project on either side of Eucalyptus Street just East of Dixie Highway.

The buildings are planned to have an aerial pedestrian bridge over the City property to connect and provide pedestrian access between the buildings, which are currently under construction.

In order to facilitate KJWPB1's construction of the Aerial Pedestrian Bridge Facility, it is necessary for KJWPB1 to obtain from the City an easement over portions of the City's Right-of-Way.

Pursuant to Section 22-31(27) of the Code of Ordinances, the granting of an interest in City property shall be approved by ordinance and such ordinance shall be approved by a super majority (4/5) vote of the City Commission at either First or Second Reading.

Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

No fiscal impact.

- 8.5. Resolution No. 303-23 approving a Term Sheet for a ground lease with the Boys and Girls Club of Palm Beach County for an approximately 1.7 acre area within Dreher Park for the development of a Club to serve the neighboring community.

**Originating Department:**

Parks and Recreation

**Ordinance/Resolution:**

RESOLUTION NO. 303-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA APPROVING A TERM SHEET WITH THE BOYS AND GIRLS CLUB OF PALM BEACH COUNTY FOR A GROUND LEASE FOR A PORTION OF DREHER PARK; AUTHORIZING OWNER'S CONSENT FOR SUBMITTAL OF APPLICATIONS FOR LAND DEVELOPMENT APPROVALS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER

PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 303-23.

**Background Information:**

The Boys and Girls Club evaluates communities and the possible need for a club. They identified that families in the 33405 zip code had a gap in services. While looking at the four public schools in the area, they determined that the vast majority of the youth are economically disadvantaged and are not testing at grade level in either reading or math proficiency. All four schools are Title 1 schools.

In an effort to provide services to the youth and families, the Boys and Girls Clubs started offering after school programming at Forest Hill High School and Conniston Middle School. At the same time, a search for a club location and funding was initiated.

The Boys and Girls Clubs have successfully raised private funding to develop the clubs concept plan, construction, and operational endowment. The Club has held a number of community outreach meetings for input and design improvements with residents, neighborhood associations, the Parks and Recreation Advisory Committee, and other stakeholders.

By Resolution No. 103-23, the City Commission declared a small portion of Dreher Park, as not needed for City purposes and surplus, while also authorizing City staff to negotiate the terms of a ground lease with the Boys and Girls Club.

City staff has negotiated a Term Sheet with the Boys and Girls Club for a ground lease of approximately 1.74 acres, more or less, at the North end of Dreher Park for the development of a Club facility, with the following material terms:

Club Facilities: The Boys & Girls Club will design, fund and construct the Club facilities.

*Additional Improvements:*

*Parking Area:* The Boys & Girls Club will design, fund and construct a parking area, which may be used by the general public when the Club facilities are closed.

*Mound Removal:* The Boys & Girls Club will remove two mounds of approximately one acre in size and install sod and irrigation to provide a more functional green space for the community.

WPB Resident Preference: BGC shall give a transportation preference for providing service and participation in programs to youth who reside, or attend public schools within, the jurisdictional boundaries of the City of West Palm Beach. To the extent that BGC provides transportation, it will be provided only to West Palm Beach residents and those children attending public schools within the City and included in the transportation plan.

Lease Term: A lease term of thirty (30) years with renewal options for two (2) additional terms of ten (10) years each.

Rent: Annual rent of \$100 per year.

Construction Timeline: Construction shall commence within thirty-six (36) months of execution of a Lease. Construction will be completed within four (4) years of commencement of construction.

Small Business / MWBE Participation: Contractors will be required to use their best good faith efforts to engage at least 18% contractors and subcontractors from small businesses and minority/women owned businesses certified by the City.

Local Workforce: Contractors will be required to use their best good faith efforts to have local workforce participation of 5% of the value of the Club facilities construction work.

Maintenance: The Boys & Girls Club will be responsible for all operating and maintenance costs for the Club facilities. Additionally, the Boys & Girls Club will maintain the parking area constructed, their monument sign and the access sidewalk.

Naming Rights: The Boys & Girls Club will be permitted to place the name of up to four (4) significant donors on exterior Club facilities.

The Parks and Recreation Advisory Committee voted to recommend approval of the proposed material terms.

Resolution No. 303-23 approves the Term Sheet with the material terms.

City staff will complete the negotiation and drafting of a ground lease that reflects the approved material terms. The negotiated lease, along with the recommendation of the Parks and Recreation Advisory Committee, will be brought back to the City Commission for consideration.

Commission District 5: Commissioner Christina Lambert.

**Fiscal Note:**

No fiscal impact.

**9. PUBLIC HEARING - QUASI-JUDICIAL**

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

- 9.1. Public Hearing and First Reading of Ordinance No. 5072-23: A request by Josh Martin of Frisbie Group, on behalf of 319 B Renaissance II Asset LLC, for a Future Land Use Map Amendment to change the Future Land Use designation of ±0.65 acres of the overall subject ±1.01-acre parcel, located at the northeast corner of South Dixie Highway and Belvedere Road from Commercial (C) to Commercial East (CE).

**Originating Department:**

Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 5072-23: 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 0.63 ACRES OF THE OVERALL 1.01 ACRE PARCEL, LOCATED AT THE NORTHEAST CORNER OF SOUTH DIXIE HIGHWAY AND BELVEDERE ROAD FROM COMMERCIAL TO COMMERCIAL EAST; DECLARING THE PROPOSED AMENDMENT TO THE FUTURE LAND USE MAP AMENDMENT TO BE CONSISTENT WITH ALL OTHER ELEMENTS OF THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5072-23, changing the Future Land Use designation of ±0.65 acres of the overall ±1.01-acre parcel located at the northeast corner of South Dixie Highway and Belvedere Road from Commercial to Commercial East. This motion is based on the application submitted, the staff report, factual testimony, the recommendation of the Planning Board and the findings that the request complies with the provisions of Chapter 163, Florida Statutes, and Policies 1.1.5 and 1.1.6 of the City's Comprehensive Plan, based on changed assumptions.

**Background Information:**

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

The ±1.01-acre subject property is located at the northeast corner of South Dixie Highway and Belvedere Road and is currently comprised of a

15,074 square foot commercial building with surface parking. The property is characterized with a split Future Land Use (FLU) designation of Commercial East (CE) and Commercial (C); the western portion ( $\pm 0.38$  acres) of the property is designated CE and the eastern portion is designated C ( $\pm 0.63$  acres). Uses in the immediate surrounding area consists primarily of single- and multifamily residential (within the El Cid Historic District), and commercial use to the south and along the South Dixie Highway corridor.

In July of 2022, the applicant purchased the subject property with the intent to redevelop the site. The applicant provides that the area surrounding the subject property is suitable for mixed-use with its proximity to Downtown and its location along the South Dixie Highway corridor. In order to redevelop the site with a cohesive mixed-use project, the applicant is seeking a FLU Map Amendment to consolidate the FLU designation of the parcel to CE, which supports the mixing of uses (i.e. the integration of commercial and residential uses).

Given the subject property's location along the corridor, its close proximity to Downtown, and the City's desire to increase housing stock near its Downtown and transit corridors, a FLU designation of CE would be appropriate for the subject property to benefit from the nearby/surrounding amenities. The mixed-use FLU would also provide for an appropriate land use transition to the adjacent single and multifamily residential use within the immediate area.

#### LEVEL-OF-SERVICE (LOS) ANALYSIS

Future Land Use Element Policy 1.1.3 of the City's Comprehensive Plan establishes the density/intensity standards of all FLU designations within the City. According to information provided in the Comprehensive Plan, the CE Future Land Use (1.5 F.A.R.) is more intensive than the C Future Land Use designation (0.75 F.A.R.). It is therefore expected that the proposed FLU Map Amendment to CE will generate a greater demand on the public facilities servicing the subject property and the immediate area.

Pursuant to Chapter 163 of the Florida Statutes, any FLU Map amendment must be evaluated to determine if the proposed land use change will have significant impact on the LOS for public facilities that service the subject property and the surrounding area (i.e. drainage, potable water, wastewater, solid waste, public schools, and traffic). The LOS for public facilities is analyzed based on the maximum development potential of the current and proposed FLU of the affected area, and whether or not each public facility has the reserved capacity to accommodate the change in land use. Table 1 below summarizes the maximum development potential for the current and proposed FLU of the affected area.

**Table 1:  
Current and Proposed Future Land Use Designation Maximum  
Development Potential for the Affected Area (±0.63 acres)**

FLU Designation	Maximum Intensity	Maximum Potential	Development
<i>Existing:</i> Commercial (C)	0.75 F.A.R. 32.27 dwelling units/acre	20,471 sq. ft. 20 dwelling units	
<i>Proposed:</i> Commercial East (CE)	1.5 F.A.R.	40,943 sq. ft.	

The maximum development potential that could be built within the affected area are twenty (20) dwelling units and 40,943 square feet of building (an increase in 20,472 square feet) with the proposed FLU Map Amendment to CE. This increase in development potential is expected to intensify the demand on public facilities servicing the subject property and surrounding area.

Despite the increase in development potential, the impact on public facilities are not expected to be detrimental. The applicant has provided supporting certification letters from each public facility confirming adequate infrastructure/infrastructure capacity is in place to accommodate the FLU Map Amendment to CE.

**CONCLUSION**

The purpose of the FLU Map Amendment is to resolve the issue of the split FLU designation of the subject property to enable the property to be redeveloped with a cohesive redevelopment plan. The proposed CE Future Land Use designation of the subject property is suitable, given the development pattern of the South Dixie Highway corridor in recent years. The proposed FLU map amendment is consistent with the land use pattern of the surrounding area, and it would also provide the opportunity to increase the residential housing stock along the transit corridor and in close proximity to Downtown.

It is staff's professional opinion that the request complies with the standards required by the City's Comprehensive Plan; and therefore, staff is recommending approval of the request.

**PLANNING BOARD**

After a Public Hearing on September 19, 2023, the Planning Board unanimously recommended approval (6-0) of the proposed Future Land Use Map Amendment to the City Commission.

**PUBLIC NOTICE**

Individual notices were mailed to all property owners within 500 feet of the subject property, and signs were also posted on the property. Per

statutory requirement, First Reading of Ordinance No. 5072-23 was advertised in the Palm Beach Post on November 6, 2023, and Second Reading will be advertised in the Palm Beach Post on November 22, 2023.

Commission District 5: Commissioner Christina Lambert.

- 9.2. Public Hearing of Resolution No. 253-23: A request by Eleanor B. Halperin of Halperin Law, on behalf of Erik Habberstad for a Class A Special Use Permit to allow for a dock that extends beyond 100 feet of the subject property located at 3014 North Flagler Drive.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 253-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CLASS A SPECIAL USE PERMIT TO CONSTRUCT A DOCK ON THE PROPERTY LOCATED AT 3014 NORTH FLAGLER DRIVE; DECLARING THE DEVELOPMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; GRANTING WAIVERS TO THE ZONING AND LAND DEVELOPMENT REGULATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 253-23 with conditions.

Based on the findings that the petition meets the required standards in Section 94-36(e)(3) through (5), Sections 94-313(a)(3) and (4), and Section 94-273(a)(2) of the City of West Palm Beach Zoning and Land Development Regulations (ZLDRs).

This recommendation is made subject to the following conditions:

1. The dock shall not be used for any commercial purpose, including, but not limited to: providing access to any commercial enterprise; docking a boat for a fee; fishing ventures for a fee; marine salvage ventures; teaching or training of any marine-related activity, such as boating, fishing or diving; and the sale of marine-related products.
2. Prior to the issuance of a Certificate of Completion for the proposed dock, all mooring slips shall be provided with appropriate connections for potable water and electrical service.

**Background Information:**

The subject property is located at 3014 North Flagler Drive and is 0.52 acres. The rear of the property (east side of the property) has access to



non-contiguous riparian rights to the Intracoastal Waterway.

The applicant is requesting the approval of a Class A Special Use Permit to allow for the construction of a dock greater than 100 feet in length. The subject property has an existing dock of 100 feet and two (2) boat lifts that were permitted in accordance with the standards for dock construction and were constructed on the subject property in 2021 (Reference: Building Permit #21040595).

The proposed dock is in compliance with the ZLDRs, and it is determined to be impractical and also prevents the owner from having a dock that avoids damaging the marine environment, and prevents the owner from having a full use and enjoyable dock located within safe water depths. Approval of a Class A Special Use Permit would allow the owner to extend the dock an additional 65 feet to protect the marine environment (seagrasses). The total length of this proposed dock will total 165 feet. The dock will attach to the existing seawall, and the dock will extend outward into the Intracoastal Waterway, within the middle one-third portion of the subject lot. Two (2) boat lifts are existing and will be relocated on the proposed dock structure; no mooring slips will be provided.

The Planning Board recommended approval (7-0) of this request to the City Commission after a Public Hearing on September 19, 2023 based on the testimony presented at the hearing, along with the application submitted, and the Staff Report, that the request does comply with the standards for the Class A Special Use Permit.

#### PUBLIC NOTICE

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 sign was posted, individual notices were mailed to property owners within 500 feet of the subject property, and Resolution No. 253-23 was advertised in the November 3, 2023 edition of the Palm Beach Post.

Commission District 1: Commissioner Cathleen Ward.

#### **Fiscal Note:**

No fiscal impact.

- 9.3. Resolution No. 258-23: A request by Construction Technology Inc., on behalf of 2914 North Flagler Drive, for a Class A Special Use Permit (with a waiver) to allow for a dock that extends beyond 100 feet of the subject property located at 2914 North Flagler Drive.

#### **Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 258-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CLASS A SPECIAL USE PERMIT TO CONSTRUCT A DOCK ON THE PROPERTY LOCATED AT 2914 NORTH FLAGLER DRIVE; DECLARING THE DEVELOPMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; GRANTING WAIVERS TO THE ZONING AND LAND DEVELOPMENT REGULATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 258-23.

Approval based on the findings that the petition meets the required standards in Section 94-36(e)(3) through (4), Sections 94-313(a)(3), and Section 94-273(a)(2) of the City of West Palm Beach Zoning and Land Development Regulations (ZLDRs).

**Background Information:**

The subject property is located at 2914 North Flagler Drive and is 0.45 acres. The rear of the property (east side of the property) has access to non-contiguous riparian rights to the Intracoastal Waterway.

The applicant is requesting the approval of a Class A Special Use Permit to allow for the construction of a dock greater than 100 feet in length. Designing a dock in compliance with the ZLDRs was determined to be impractical and also prevents the owner from having a dock that avoids damaging the marine environment, and prevents the owner from having a full use and enjoyable dock located within safe water depths. Approval of a Class A Special Use Permit would allow the owner to extend the dock an additional 64 feet to protect the marine environment (seagrasses). The total length of this proposed dock will total to 164 feet. The dock will attach to the existing seawall, and the dock will extend outward into the Intracoastal Waterway, within the middle one-third portion of the subject lot. Two (2) boat lifts are designed into the proposed dock structure; two (2) mooring slips will be provided.

The Planning Board recommended approval (7-0) of this request to the City Commission after a Public Hearing on September 19, 2023 based on the testimony presented at the hearing, along with the application submitted, and the Staff Report, that the request does comply with the standards for the Class A Special Use Permit.

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.

Commission District 1: Commissioner Cathleen Ward.

**Fiscal Note:**

No fiscal impact.

- 9.4. Public Hearing of Resolution No. 266-23: A request by Brian M. Seymour, Esq. and John P. Roach, AICP of Gunster, on behalf of 1911 North Flagler Drive Associates LLC and 1919 North Flagler Drive Associates LLC, for a Class A Special Use Permit to construct a seven (7) slip dock accessory to the Olara mixed-use development, generally located east of North Flagler Drive, between Pine Street and Butler Street.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 266-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CLASS A SPECIAL USE PERMIT TO CONSTRUCT A SEVEN (7) SLIP DOCK ACCESSORY TO THE OLARA MIXED-USE DEVELOPMENT, GENERALLY LOCATED ON THE EAST SIDE OF NORTH FLAGLER DRIVE, BETWEEN BUTLER STREET AND PINE STREET; DECLARING THE DEVELOPMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; GRANTING WAIVERS TO THE ZONING AND LAND DEVELOPMENT REGULATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 266-23 a Class A Special Use Permit with waivers from the dock requirements associated with length, height, and sanitary sewer pump-out facility to provide for the construction of a seven (7) slip accessory dock to the Olara mixed-use development, generally located on the east side of North Flagler Drive, between Pine Street and Butler Street.

This motion is based upon the application submitted; the staff report; factual testimony; the recommendation of the Planning Board; the findings that the request complies with the Comprehensive Plan; and the standards in Section 94-36(e)(3) and (4), Section 94-313(a)(3), and Section 94-273(a)(2) 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)

On February 8, 2023, the Olara mixed-use development, consisting of 458 residential units and 31,570 square feet of ground level commercial was approved on the subject property generally located on North Flagler Drive, between Butler Street and Pine Street (Reference: Formal Site Plan Review Case No. 22-11). The subject property includes parcels on the east side of North Flagler Drive with riparian rights to the Intracoastal Waterway (owned in fee-simple, subject only to an easement for the existing walkway and bulkhead). The subject property is currently undergoing demolition in preparation for the construction of the Olara development. As part of the project, a dock is now being proposed to provide a valued private amenity to the residents of Olara. Use of the dock will be limited solely to the residents; it will not be made available to the public or otherwise offered as part of a commercial venture, and a security gate will be installed near the bulkhead to prevent unauthorized entry.

Pursuant to the Zoning and Land Development Regulations (ZLDRs), accessory docks are permitted by-right on properties possessing riparian rights as long as the dock conforms to the *Standards for All Docks*, provided in Section 94-313(a)(3) of the ZLDRs. The required standards include dimensional and locational requirements for the dock, boatlift(s) and all other mooring-related structures associated with the dock. In the event the applicant cannot meet any of the required standards, the applicant may request waivers from the standards through the Class A Special Use Permit process.

According to the dock plan, the proposed dock will measure at a length of 193 feet and will provide for a total of seven (7) boat slips (31 boat slips are permitted by-right for the Olara development). The proposed dock will have a 48-foot wide platform with three (3) 4-foot-wide finger piers, and a 42-inch handrail will be installed at all portions of the dock where no mooring is proposed.

As part of the process for the dock application, a permit from the Florida Department of Environmental Protection (FDEP) is required. The applicant has received FDEP Permit No. 50-0418799-001-EI for the proposed dock, which contains non-negotiable conditions for the protection of submerged resources in the immediate area (i.e. protected seagrasses). Due to the requirements of FDEP Permit No. 50-0418799-001-EI, not all the dock standards can be met. The applicant is requesting three (3) waivers from the dock standards of the ZLDRs. These waivers are summarized below:

- Waiver 1: Sec. 94-313(a)(3)(i) – Length. The dock exceeds the 100-foot maximum allowable length. The additional length is necessary to provide sufficient water depth for mooring (typically at a depth of ±8 feet), but also to prevent damage/disturbance to the

seagrasses in the immediate vicinity.

- Waiver 2: Sec. 94-313(a)(3)(k) – Height. No structures (with exception to a security fence and boatlifts) can be built on the dock, and no portion of the dock can exceed the height of the seawall. The FDEP Permit requires a 42-inch handrail on all portions of the dock where no mooring is proposed to prevent the mooring of vessels in unauthorized areas. This is to minimize any impact to the observed seagrasses in the immediate area. The dock is also ADA compliant. These two elements exceed the height requirements for a dock.
- Waiver 3: Sec. 94-313(a)(3)(g)(ii) – Sanitary Sewer Pump-Out. A sanitary sewer pump-out facility is required for every eight (8) mooring slips or fraction thereof. The FDEP Permit strictly prohibits the discharge of wastewater from the proposed dock. Therefore, a sanitary sewer pump-out facility is unnecessary for the proposed dock.

### CONCLUSION

Due to required conditions and restrictions of FDEP Permit No. 50-0418799-001-EI, a dock on the subject property that fully complies with the dock standards of the ZLDRs would not be possible. The waivers requested to the length, height, and requirement for a sanitary pump-out facility are all associated with the conditions of the FDEP Permit, which are non-negotiable, but are also necessary for the applicant to install a reasonable dock to provide for the enjoyment of the Olara development, and for which the applicant is entitled to. The requested waivers are reasonable and should not detrimentally impact, or negatively disrupt the existing uses in the immediate surrounding area.

Staff finds that the requests satisfies the required provisions of the ZLDRs, and as such, the Development Services Department – Planning Division is recommending approval, subject to the conditions contained in Resolution No. 266-23.

### PLANNING BOARD

After a Public Hearing on September 19, 2023, the Planning Board unanimously recommended approval (6-0) of the Class A Special Use Permit to the City Commission.

### PUBLIC NOTICE

Individual notices were mailed to all property owners within 500 feet off the subject property, and signs were posted on the property. In

accordance with the advertising requirements of the City's Zoning and Land Development Regulations, a legal ad for Resolution No. 266-23 was advertised in the November 3, 2023 edition of the Palm Beach Post.

Commission District 1: Commissioner Cathleen Ward.

- 9.5. Public Hearing of Resolution No. 285-23: A request by John Dykinga, on behalf of Gary S. Lachman for a Class A Special Use Permit for the construction of a boat lift outside of the middle one-third of the subject lot located at 4417 South Flagler Drive, within the Single-Family Low Density (SF7) Residential zoning district.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 285-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CLASS A SPECIAL USE PERMIT FOR THE CONSTRUCTION OF A BOATLIFT OUTSIDE OF THE MIDDLE ONE-THIRD REQUIREMENT ON AN EXISTING DOCK LOCATED AT 4417 SOUTH FLAGLER DRIVE; DECLARING THE DEVELOPMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; GRANTING WAIVERS TO THE ZONING AND LAND DEVELOPMENT REGULATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 285-23 a Class A Special Use Permit to allow for a 4-foot encroachment of a boat lift outside of the middle one-third of the subject property.

This motion is based upon the application submitted; the staff report; factual testimony; the recommendation of the Planning Board; the findings that the request complies with the Comprehensive Plan; and the standards in Section 94-36(e)(3) and (4), Section 94-313(a)(3), and Section 94-273(a)(2) 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 subject property is an existing single-family residence located along South Flagler Drive, within a single-family residential area. The subject property has riparian rights to the Intracoastal Waterway (Lake Worth Lagoon). An analysis of the general area shows that many residential lots along the Intracoastal Waterway are currently built with a dock. The applicant proposes the installation of a larger boatlift on their existing

dock for mooring related needs and enjoyment. Use of the dock will be limited solely to the property owner.

Pursuant to the Zoning and Land Development Regulations (ZLDRs), accessory docks are permitted by-right on properties possessing riparian rights as long as the dock conforms to the *Standards for All Docks*, provided in Section 94-313(a)(3) of the ZLDRs. The required standards include dimensional and locational requirements for the dock, boatlift(s) and all other mooring-related structures associated with the dock. In the event the applicant cannot meet any of the required standards, the applicant may request waivers from the standards through the Class A Special Use Permit process.

According to the dock plan, the boat lift replacement will encroach outside of the required middle one-third of the subject property. The applicant has applied for a Class A Special use permit, since not all of the dock standards can be met. The applicant is requesting one (1) waiver from the dock standards of the ZLDRs which is summarized below:

- Waiver from Sec. 94-313(a)(3)(h) – Location and Setbacks. Docks, boat lifts and all mooring-related facilities shall be constructed within the middle one-third of the lot and no watercraft shall be docked in a position that causes it to extend beyond the side setback lines, as extended into the waterway. The subject property is an approximately 125-foot-wide lot, and therefore, the dock and all components of the dock structure (including the boat lifts and pilings, etc.) must be placed within the center 41.66-foot-wide portion of the lot. As designed, the boat lift encroaches 4 feet outside of the middle one-third to accommodate a larger boat.

## CONCLUSION

The applicant has provided adequate support documents as evidence that the boat lift replacement outside of the middle one-third of the lot, as extended into the waterway and shown in the provided plans, will not infringe upon the riparian rights of the adjacent properties. The Development Services Department – Planning Division has determined that the installation of the boat lift will not adversely impact the surrounding properties, and the boat lift has been found to conform to all other provisions of the ZLDRs. Therefore, staff finds the request satisfies all the standards found within the ZLDRs and as such, is recommending approval, subject to the conditions contained in Resolution No. 285-23.

## PLANNING BOARD

After a Public Hearing on September 19, 2023, the Planning Board unanimously recommended approval (7-0) of the Class A Special Use

Permit to the City Commission.

### PUBLIC NOTICE

Individual notices were mailed to all property owners within 500 feet off the subject property, and signs were posted on the property. In accordance with the advertising requirements of the City's Zoning and Land Development Regulations, a legal ad for Resolution No. 285-23 was advertised in the November 3, 2023 edition of the Palm Beach Post.

Commission District 5: Commissioner Christina Lambert.

#### **Fiscal Note:**

Not applicable.

## **10. COMMENTS FROM THE PUBLIC**

Public comments are limited to three (3) 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.