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

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

**City of West Palm Beach
City Commission
Agenda
Monday, January 22, 2024
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. RECEIVED / FILED

6.1. Submittal of the following four (4) reports from the Internal Auditor's Office:

1. Health Insurance Claims (CIGNA) Post Audit Report (PAR23-05)
2. Parking and IT Data Exchange Audit Report (AUD23-01)
3. IT Penetration Test Report (AUD23-02)
4. Community Redevelopment Agency Audit Report Part 3 (AUD19-01)

Originating Department:

Internal Audit

Ordinance/Resolution:

N/A

Staff Recommended Motion:

Approve, receive, and file.

Background Information:

The four (4) reports were presented to the Audit Committee on January 4, 2024, where they were approved by the Audit Committee Members. Copies of the reports have been provided to the Mayor and the City Commissioners.

Fiscal Note:

No fiscal impact.

7. 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.

7.1. Resolution No. 321-23(F) accepting and appropriating funding in the amount of \$5,000 from The Walter & Adi Blum Foundation, Inc. to reimburse the Department of Parks and Recreation for the funds used to purchase presents for school-aged children who attend schools and programs that serve the Pleasant City Community.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 321-23(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 \$5,000 FROM THE WALTER & ADI BLUM FOUNDATION, INC. FOR THE PURCHASE OF PRESENTS IN 2023 FOR CHILDREN AT THE PLEASANT CITY COMMUNITY YOUTH EMPOWERMENT CENTER, PLEASANT CITY ELEMENTARY, AND NEIGHBORHOOD DAYCARES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The Walter & Adi Blum Foundation, Inc. has generously donated \$5,000 to the Department of Parks and Recreation Youth Empowerment Center for the purchase of presents for school-aged children who attend the local elementary, middle, and high schools, aftercare, and childcare programs that serve the Pleasant City Community. Programs include Tyson's Tiny Tots and Pleasant City Youth Empowerment Center.

Commission District 1: Commissioner Cathleen Ward.

Fiscal Note:

Approval of this item will provide \$5,000 of reimbursable funds that were used to purchase presents for school-aged children who attend schools and programs that serve the Pleasant City Community.

- 7.2. Resolution No. 14-24 approving a Special Event License Agreement with Annual Sportsman's Duck Dinner, LLC for the "Annual Sportsman's Duck Dinner" event on Wednesday, January 31, 2024, and authorizing the issuance of a permit for the sale, possession, and consumption of alcoholic beverages at the event.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 14-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SPECIAL EVENT LICENSE AGREEMENT BETWEEN THE CITY AND ANNUAL SPORTSMAN'S DUCK DINNER, LLC FOR THE PURPOSE OF CONDUCTING THE ANNUAL SPORTSMAN'S DUCK DINNER AT DREHER PARK - SOUTH ON JANUARY 31, 2024, FROM 4:30 PM TO 9:00 PM; AUTHORIZING THE ISSUANCE OF A PERMIT TO ANNUAL SPORTSMAN'S DUCK DINNER, LLC FOR THE SALE, CONSUMPTION, AND POSSESSION OF ALCOHOLIC BEVERAGES AT THE SPECIAL EVENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

Annual Sportsman's Duck Dinner, LLC has submitted an application to produce the "Annual Sportsman's Duck Dinner" event on Wednesday, January 31, 2024, from 4:30 PM to 9:00 PM at Dreher Park. During this

event, Annual Sportsman's Duck Dinner, LLC will serve food, alcoholic and non-alcoholic beverages.

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

Annual Sportsman's Duck Dinner, LLC will pay the City of West Palm Beach a \$1,133.30 special event permit fee, a \$500 special event security deposit, and will provide the City of West Palm Beach general liability insurance and liquor liability insurance. Both insurance policies will list the City of West Palm Beach as the additional insured.

Resolution No. 14-24 approves a Special Events License Agreement between the City and Annual Sportsman's Duck Dinner, LLC and authorizes issuance of a permit for the sale, consumption, and possession of alcoholic beverages at the event.

Commission District 5: Commissioner Christina Lambert.

Fiscal Note:

Permit revenues will be received as stated.

- 7.3. Resolution No. 17-24 authorizing the assessment of City liens in the total amount of \$28,375.17 for unpaid water service, sewer service, and storm water charges for the month of October 2023.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 17-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING AN ASSESSMENT OF CITY LIENS FOR UNPAID WATER SERVICE, SEWER SERVICE, AND STORMWATER SERVICE CHARGES FOR THE MONTH OF OCTOBER 2023; PROVIDING THAT SAID LIENS SHALL BE PRIOR IN DIGNITY TO ALL OTHER LIENS AGAINST THE ASSESSED PROPERTIES, SAVE AND EXCEPT A LIEN FOR TAXES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

In accordance with the Code of Ordinances of the City of West Palm Beach, Florida, 2003, Sections 90-4 and 90-5, the City imposes liens on private real property for delinquent payments due for utility services.

The liens to be assessed by Resolution No. 17-24 are for unpaid water service, sewer service, and stormwater service charges for the month of October 2023.

The list of properties to be assessed and the associated charges totalling \$28,375.17 are provided in Resolution No. 17-24 as Exhibit A - Utility Lien List - October 2023.

Fiscal Note:

No fiscal impact.

- 7.4. Resolution No. 21-24, amending 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. 21-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE PREVIOUSLY APPROVED 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:

This Ad Valorem Tax exemption was previously heard and approved by the City Commission on November 13, 2023 under Resolution No. 292-23. It is being re-presented to correct the resolution in order to reflect the current ownership of the property. No further changes have been made.

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.

- 7.5. Resolution No. 28-24 approving an agreement between the City and the Palm Beach County Supervisor of Elections for vote processing equipment use and election services for the March 2024 municipal election.

Originating Department:

Mayor's Office

Ordinance/Resolution:

RESOLUTION NO. 28-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA APPROVING AN AGREEMENT BETWEEN THE CITY AND THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS FOR VOTE PROCESSING EQUIPMENT USE AND ELECTION SERVICES FOR THE MARCH 2024 MUNICIPAL ELECTIONS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

Resolution No. 28-24 approves an agreement with the Supervisor of Elections for vote processing equipment use and election services for the March 2024 municipal election.

The agreement requires the City to indemnify the Supervisor of Elections for any claims arising out of the City's negligence, to defend any legal challenge relating to the municipal election, and be responsible for all legal costs including attorneys' fees for the defense of the municipality and the Supervisor of Elections.

- 7.6. Resolution No. 31-24 approving a termination of Palm Beach County's funding agreement for improvements made to the Palm Beach Photographic Centre and extending the date for the Photographic Centre to vacate included in the Settlement Agreement; and

Resolution No. 36-24(F) approving the use of discretionary fund balance to provide appropriations for a settlement agreement with Palm Beach County.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 31-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A TERMINATION AGREEMENT OF PALM BEACH COUNTY'S FUNDING OF THE PALM BEACH PHOTOGRAPHIC CENTRE AT THE WEST PALM BEACH CITY CENTER; EXTENDING THE DATE TO VACATE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 36-24(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 APPROVE THE USE OF DISCRETIONARY FUND BALANCE TO PROVIDE APPROPRIATIONS FOR A SETTLEMENT AGREEMENT WITH PALM BEACH COUNTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

On July 14, 2008, the Palm Beach Photographic Centre, Inc., (Photo Centre) and the City of West Palm Beach (City) entered into a Lease, leasing approximately 26,000 square feet within the City Centre (Lease). The County provided \$500,000 to assist in designing and building out the space. Those improvements were made and remain today. On June 7, 2022, the City filed an action in the Circuit Court of the Fifteenth Judicial Circuit, Case No. 5022CA005408XXXMB against Photo Centre in which it sought declaratory relief in connection with and recession of the Lease.

In an effort to resolve the issues raised in the action, the parties attended a mediation. The mediation resulted in a Settlement Agreement that was approved by the City and the CRA on June 13, 2023. Paragraph 5 of the Settlement Agreement states in part: "[t]his Agreement is also contingent upon Palm Beach County agreeing not to seek the return, due to the Parties' mutual agreement to terminate the Lease, of any or all of the Five

Hundred Thousand and 00/100 Dollars (\$500,000.00) in funding that Palm Beach County provided to Photo Centre pursuant to the County Funding Agreement” and paragraph 6 of the Settlement Agreement provides in part, "the Photo Centre shall vacate the Premises within twelve (12) months of such execution and approval of this Agreement by the Municipality Governing Bodies, but may do so before the expiration of the 12-month period at Photo Centre’s own discretion".

In order to meet the conditions of the Settlement Agreement, the City has worked with the County, and the County has agreed to terminate the County Funding Agreement upon the City repaying the County \$250,000 of the Grant Funding by April 30, 2024. Due to the timing of termination of the County's Funding Agreement, the time included in the Settlement Agreement to vacate and the requirement to vacate should also be extended. Approval of Resolution No. 31-24 accomplishes both of these goals.

Approval of Resolution No. 36-24(F) approves the use of discretionary fund balance to provide appropriations for a settlement agreement with Palm Beach County.

Fiscal Note:

Approval will recognize discretionary fund balance to provide appropriations for a settlement agreement with Palm Beach County.

8. PUBLIC HEARING

- 8.1. Public Hearing and Second Reading of Ordinance No. 5074-23 amending the Code of Ordinances of the City of West Palm Beach, Florida, at Chapter 86 (Traffic and Parking) by amending and restating Article IV (Stopping, Standing and Parking) to amend Section 86-292 (Immobilization of Vehicles on Private Property) to add new provisions relating to notice, Method of immobilization and towing and removal procedure.

Originating Department:

Parking

Ordinance/Resolution:

ORDINANCE NO. 5074-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 86 (TRAFFIC AND PARKING) BY AMENDING AND RESTATING ARTICLE IV (STOPPING, STANDING AND PARKING) TO AMEND SECTION 86-292 (IMMOBILIZATION OF VEHICLES ON PRIVATE PROPERTY) TO ADD NEW PROVISIONS RELATING TO NOTICE, METHOD OF IMMOBILIZATION AND TOWING AND REMOVAL PROCEDURES; PROVIDING A CONFLICTS CLAUSE,

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

Staff Recommended Motion:

Approve Ordinance No. 5074-23 on second reading.

Background Information:

City Ordinance No. 5074-23 amends Section 86-292 of the City's Code of Ordinances, which regulates the immobilization of motor vehicles on private property by adding new provisions relating to notice, method of immobilization and towing, and device removal procedures. These provisions will clarify the immobilization process on private property within the City and bring the City's ordinance into consistency with updated provisions of Palm Beach County Ordinance No. 2022-021 governing Towing and Immobilization Services.

The new provisions accomplishes the following:

- Notice: The Notice provision specifies the size, location, and content of notices required to be posted on private property that is licensed to immobilize motor vehicles parked without permission.
- Method of Immobilization: This provision describes the type of device that may be used to immobilize a vehicle and specifies the size, location, and content of the notice that must be posted on the vehicle when an immobilization device is installed. This provision also regulates the device removal process and the towing requirements.

Parking staff supports these changes and recommends approval.

PUBLIC NOTICE

Ordinance No. 5074-23 was advertised in the Palm Beach Post on January 12, 2024.

9. PUBLIC HEARING - QUASI-JUDICIAL

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

- 9.1. Public Hearing and Second Reading of Ordinance No. 5079-24 regarding a Rezoning to change the Zoning designation of approximately 2.6 acres located at 2500 North Florida Mango Road from General Commercial to Commercial Planned Development; and

Resolution No. 2-24 regarding the development regulations and conditions for the Tropicana Self Storage Commercial Planned Development, and granting a waiver of the Zoning and Land Development Regulations.

The above-referenced requests are being made by Jon Schmidt of Schmidt Nichols, on behalf of 2500 North Florida Mango LLC, to create the Tropicana Self Storage Commercial Planned Development.

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 5079-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF WEST PALM BEACH, FLORIDA, BY REZONING TWO PARCELS LOCATED AT 2500 NORTH FLORIDA MANGO ROAD, APPROXIMATELY 2.6 ACRES, FROM GENERAL COMMERCIAL (GC) TO COMMERCIAL PLANNED DEVELOPMENT (CPD) TO CREATE THE TROPICANA SELF STORAGE COMMERCIAL PLANNED DEVELOPMENT; PROVIDING FOR THE ESTABLISHMENT OF DEVELOPMENT REGULATIONS BY SEPARATE RESOLUTION; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REVISING THE ZONING MAP OF THE CITY ACCORDINGLY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 2-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ESTABLISHING THE DEVELOPMENT REGULATIONS, INCLUDING THE SITE AND LANDSCAPE PLANS AND BUILDING ELEVATIONS, FOR THE TROPICANA SELF STORAGE COMMERCIAL PLANNED DEVELOPMENT LOCATED AT 2500 NORTH FLORIDA MANGO ROAD; GRANTING A WAIVER TO THE ZONING AND LAND DEVELOPMENT REGULATIONS; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5079-24, a rezoning to change the Zoning designation of approximately 2.6 acres located at 2500 North Florida Mango Road from General Commercial to Commercial Planned Development. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board, and the findings that the request complies with the Comprehensive Plan and the standards in Sections 94-32 of the City's Zoning and Land Development Regulations.

Approve Resolution No. 2-24 establishing development regulations and conditions for the Tropicana Self Storage Commercial Planned Development, and granting a waiver from the Zoning and Land Development Regulations.

Background Information:

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

The subject property is comprised of two (2) parcels, with the address of 2500 North Florida Mango Road, consisting of approximately 2.6 acres. Specifically, the subject property is located on the east side of North Florida Mango Road, between Upland Road and Belvedere Road. The subject property has frontage along North Florida Mango Road. The subject property consists of an existing bowling alley building.

The applicant is proposing to construct a 108,292 square foot self-storage facility in two (2) phases on the subject property. To effectuate the plans and to allow the request of a waiver from the City's Zoning and Land Development Regulations (ZLDRs), an application was submitted to change the zoning designation of two (2) parcels from General Commercial (GC) to Commercial Planned Development (CPD).

The applicant is requesting a 2.4-acre waiver from the minimum area requirement for a CPD per Section 94-207(d)(2) of the ZLDRs (which is described and analyzed in the Staff Report). It is staff's professional opinion that with the finding that particular circumstances justify the reduction of the planned development acreage to less than five (5) acres and that the requirements for the planned development district zoning and the benefits to be derived from the planned development district zoning can be derived in such a lesser area, the proposed CPD complies with the City's Comprehensive Plan, and that the proposed development, with the waiver granted, will comply with the standards required by the ZLDRs. Planning staff, therefore, is recommending approval, subject to the conditions contained in Resolution No. 2-24.

PLANNING BOARD

After a Public Hearing on November 21, 2023, the Planning Board recommended approval (6-0).

PUBLIC NOTICE

Individual notices were mailed to all property owners within 500 feet of the property, and signs were posted on the subject property. Ordinance No. 5079-24 and Resolution No. 2-24 were advertised in the Palm Beach Post.

Commission District 3: Commissioner Christy Fox.

- 9.2. Public Hearing and First Reading of Ordinance No. 5080-24: A request by Heather Danforth, on behalf of Alexander Millan, owner of Mercer Park Homes LLC, for a rezoning to change the existing zoning designation of eighteen (18) parcels along the north and south side of Alpha Street from Multifamily Low Density Residential (MF14) to Multifamily High Density Residential (MF32).

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 5080-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF WEST PALM BEACH, FLORIDA, BY REZONING EIGHTEEN (18) PARCELS LOCATED ON THE NORTH AND SOUTH SIDE OF ALPHA STREET, EAST OF MERCER AVENUE AND WEST OF WILKINS AVENUE, AND COMPRISED OF 3.84 ACRES, FROM MULTIFAMILY LOW DENSITY, TO MULTIFAMILY HIGH DENSITY, DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REVISING THE ZONING MAP OF THE CITY ACCORDINGLY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5080-24.

The motion is based upon the factual testimony presented, the application submitted, the staff report, and the findings that the request is consistent with the comprehensive plan and meet all standards provided in Section 94-32 of the City's Zoning and Land Development.

Background Information:

The subject property is comprised of eighteen (18) separate parcels consisting of approximately 3.84 acres. The site is divided by Alpha Street, a 24-foot right of way that runs east to west. The parcels to the north of Alpha Street have frontage and access along three (3) roadways: Alpha Street, Mercer Avenue, and Wilkins Avenue; while the parcels to the south have access on Alpha Street, Longwood Street, and Wilkins Avenue.

The surrounding area is comprised of a mix of residential, commercial, and industrial zoning and land uses and is characterized by single family homes, duplexes, and small apartment buildings. The existing Mercer Park Apartments, approved in 2019 with 51 units, lies to the north and west of the subject property. To the north is the Okeechobee Road corridor, which contains commercial and industrial uses such as car

dealerships and repair, an electrical supply house, and professional offices.

The area to the east of the subject property and west of Parker Avenue has been the focus of significant redevelopment and investment in the form of adaptive reuse of warehouse buildings and formerly industrial properties, Figure 1 below provides the subject property context. Specifically, the assemblage of warehouse buildings for the development of the Warehouse District, a mixed-use hub of restaurants and retail, has been a catalyst for redevelopment in the area. Additionally, the Clare Avenue Mixed Use/District Flats project was approved in April 2019 for the construction of 178 units and 3,706 square feet of commercial space and is located between Grandview Public Market and the subject property. The site is also located within the Jefferson Terminal District, which is the subject of a comprehensive study currently being undertaken by the City.

The current zoning designation of the subject property is Multifamily Low Density (MF14), which permits a maximum residential density of 14 units per acre. Staff currently has a site plan application to construct two (2) multifamily buildings under Resolution No. 306-22 on the north and south side of Alpha Street. The proposed rental units will contain 25% of the proposed units as workforce in favor of the City's longstanding goal of promoting quality affordable housing.

The Planning Board recommended approval (4-2) of this request to the City Commission after a Public Hearing on November 21, 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 Rezoning. Two (2) Planning Board members opposed Ordinance No. 5080-24 being approved, due to the proposed height of the multifamily buildings shown on the site plan, which is not a component of a Rezoning application review.

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.

Commission District 3: Commissioner Christy Fox.

- 9.3. Public Hearing of Resolution No. 324-23: A request by Patricia Monahan of Marine Construction Inc., on behalf of Mary Cheatham, for a Class A Special Use Permit to construct a private dock greater than 100 feet in length, on the subject property located at 7405 South Flagler Drive within the Single-Family Low Density (SF7) residential zoning district.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 324-23: 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 AT 7405 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. 324-23 for a Class A Special Use Permit to allow for the construction of a 104 foot 1-inch dock on 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),(4) and (5), Sections 94-313(a)(3) and (4), 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 located at 7405 South Flagler Drive and is comprised of property on both the east and west sides of South Flagler Drive. The western portion of the property consists of a single-family residential dwelling unit. The cumulative acreage of the eastern and western portions of the subject property is 0.4 acres.

Pursuant to Section 94-313 (a) of the Zoning and Land Development Regulations (ZLDRs), a Class A Special Use Permit is required when waivers to the City's standards for dock design are requested. Accessory docks are also permitted by right on properties possessing contiguous and non-contiguous riparian rights. The subject property possesses non-contiguous riparian rights to the Intracoastal Waterway. The dock will extend into the waterway within the middle one-third of the lot.

Per Section 94-313(a)(3)(i) of the City's ZLDRs requires that all

residential docks not exceed 100 feet in length. The applicant is requesting approval for a 104 foot 1-inch long dock which is 4 feet 1 inch beyond the allowed length, and therefore requires a waiver. Currently, the properties to the north and south of the subject site along South Flagler Drive have non-contiguous riparian rights into the Intracoastal Waterway with docks which exceed the permitted 100 feet length.

CONCLUSION

The provision of a waiver for the maximum length required by Section 94-313(a)(3)(i)(i) would reasonably accommodate water vessels, while avoiding maintenance dredging which could wash away upland shorelines. It is staff's professional opinion that the additional dock length will not have an adverse effect on the surrounding properties and is necessary to provide the required protection. With the exception of the dock's length, staff finds that the request satisfies the required 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. 324-23.

PLANNING BOARD

After a Public Hearing on October 17, 2023, the Planning Board unanimously recommended approval (6-0) of the Class A Special Use Permit to the City Commission.

CITY COMMISSION

This item was noticed and scheduled to be heard by the City Commission on January 8, 2024. At that meeting, consideration of the item was continued to the meeting of January 22, 2024 commencing at 5:00 p.m. in the Commission Chambers of the City of West Palm Beach, 401 Clematis Street, West Palm Beach, Florida.

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. 324-23 was advertised in the December 30, 2023 edition of the Palm Beach Post.

Commission District 5: Commissioner Christina Lambert.

Fiscal Note:

Not applicable.

- 9.4. Resolution No. 10-24 approving the plat entitled "875 Belvedere Road" re-platting the property located at 865 and 875 Belvedere Road, consisting of approximately 0.52 acres.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 10-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE CONSOLIDATION AND REPLAT OF REAL PROPERTY TO CREATE THE PLAT ENTITLED "875 BELVEDERE ROAD" CONSISTING OF ONE (1) DEVELOPMENT TRACT TOTALING APPROXIMATELY 0.52 ACRES (22,838.51 SQUARE FEET) GENERALLY LOCATED AT 875 BELVEDERE ROAD AND 865 BELVEDERE ROAD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 10-24 creating the plat entitled "875 Belvedere Road". This motion is based upon the factual testimony presented, the application submitted, the staff report, and the findings that the plat complies with all applicable provisions of Chapter 177, Florida Statutes and is consistent with the Comprehensive Plan and complies with plat requirements of Section 94-44 and the the subdivision design standards set forth in Section 94-342 of the City's Zoning and Land Development Regulations.

Background Information:

The subject property is 0.52 acres in size and is located at 875 Belvedere Road and 865 Belvedere Road. The applicant is requesting a minor subdivision (replat) to reconfigure the existing two (2) lots into one (1) lot.

STANDARDS

The plat complies with the subdivision General Design Standards of Section 94-342 of the Zoning and Land Development Regulations.

PLANNING BOARD

As a Minor Subdivision, the subject plat was not required to be reviewed by the Planning Board.

PUBLIC NOTICE

Individual notices were mailed to all property owners within 500 feet of the property, and signs were posted on the subject property. Resolution No. 10-24 was advertised in the Palm Beach Post on December 29, 2023.

Commission District 5: Commissioner Christina Lambert.

Fiscal Note:

No fiscal impact.

- 9.5. Public Hearing of Resolution No. 16-24 regarding a request by Lentzy Jean-Louis of Urban Design Studio, on behalf of Vita Nova Village, LLC, and Vita Nova Village III, LLC, for the approval of a Special Site Plan Review for an affordable housing project in accordance with Resolution No. 306-22 to construct a 12-unit residential building, including a variance and two (2) waivers.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 16-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SPECIAL SITE PLAN REVIEW FOR AN AFFORDABLE HOUSING PROJECT IN ACCORDANCE WITH RESOLUTION NO. 306-22 TO CONSTRUCT A 12-UNIT RESIDENTIAL BUILDING LOCATED AT 1330 ALPHA STREET; GRANTING ONE (1) VARIANCE AND TWO (2) WAIVERS TO THE ZONING AND LAND DEVELOPMENT REGULATIONS - SECTION 94-407.2 RELATING TO SIGNAGE AND SECTION 94-486 RELATING TO PARKING; DECLARING THIS RESOLUTION CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 16-24.

The motion is based upon the factual testimony presented, the application submitted, the staff report and the findings that the request, subject to the conditions set forth in the resolution, complies with the Interim Standards established by Resolution No. 306-22.

Background Information:

Vita Nova Village is a housing program for young adults ages 18-25 that have turned 18 and aged out of the foster care system, or young adults in the community who are homeless. The existing housing on the site located on Alpha Street consists of three (3) buildings consisting of thirteen (13) residential units. The applicant is proposing to construct a fourth building on the currently vacant portion of the 0.77 acre site (1330 Alpha Street) to add an additional twelve (12) residential units in accordance with the affordable housing allowances in Resolution No. 306-22. The total proposed number of units comply with the density allowance contained within Resolution No. 306-22 for properties zoned Multifamily Medium Density (MF20) Residential.

The proposal complies with the majority of the requirements for a project located within the MF20 zoning district, such as setbacks, building height, and landscape. However, the applicant is requesting a waiver and a variance to the sign requirements and a waiver to the minimum number of parking spaces provided. The applicant's justification statement is included as Attachment I. Resolution No. 306-22 authorizes the City Commission to approve variances and waivers from the land development regulations as part of an affordable housing project.

The applicant is requesting a signage waiver to Section 94-407.2 and a signage variance to Section 94-407.2.c of the Zoning and Land Development Regulations. Section 94-207.2 only permits residential development permanent identification signs to be installed as freestanding signs. The applicant wishes to install the identification sign mounted to the new building. The proposed sign size complies with the size permitted by the code, and staff does not object to the sign mounted on the building as opposed to freestanding. Section 94-407.2.c requires that residential development permanent identification signs be located at least 500 feet from other residential development permanent identification signs within the development. The Vita Nova site currently has a freestanding sign which is approximately 75 feet from the proposed building mounted sign; therefore, a distance separation variance is required. Staff does not object to the distance variance request.

The applicant is requesting a parking waiver to Section 94-486, Table XV-6 regarding the minimum number of required parking spaces for the development. The total project requires 47 parking spaces, 19 of which are for the new units to be constructed under the Resolution No. 306-22 affordable housing project allowance. The applicant is proposing for the site to be served only by the 23 parking spaces serving the current site. As provided in the justification statement, Vita Nova has stated the residents of the site do not have the resources to own private vehicles, so the parking for the existing site is lightly used, which is expected to continue with the additional 12-units. The primary means of transportation for residents is either the vans that Vita Nova supplies or public transit. Given that the residents are classified as low-income not exceeding 80 percent (80%) of the median area income, staff does not object to the parking waiver; however, staff is concerned that if the project ceases to be a low-income affordable project, then there would be a parking deficiency as non-affordable housing. Staff is including a condition that as long as there is a parking deficiency, the site is required to remain as affordable housing that does not exceed the definition of low-income persons as defined in Resolution No. 306-22.

As part of this approval, the City Commission is authorizing not only the waivers and variance, but also the increase in the number of units permitted on the site through the use of Resolution No. 306-22. The City

Commission does not approve the specific site plan for the redevelopment of the site. The proposed site layout has been reviewed by City staff, and other than the requested waivers and variance, complies with the City code. Staff issues a separate site plan approval letter upon City Commission approval of this Special Site Plan Review resolution. Staff has included the site and landscape plans as well as the architectural drawings for the new 12-unit building as Attachment II.

STANDARDS

The Planning Division has determined that the request complies with the standards for Special Site Plan Review for an affordable housing project and waiver standards listed in Section 4 of Resolution No. 306-22.

Compliance with the above referenced standards are included within Resolution No. 16-24.

NOTICE

Individual notices were mailed to all property owners within 500 feet of the area covered by the Major Amendment. Signs for the Special Site Plan Review were posted on the property on January 5, 2024.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

No fiscal impact.

- 9.6. Public Hearing of Resolution No. 18-24 regarding a request by Harvey E. Oyer, III, of Shutts & Bowen, LLP, on behalf of CityPlace Retail, LLC, for the approval of a Level III Site Plan to construct a 21-story tower and a 23-story tower consisting of approximately 744,492 square feet of office and 63,890 square feet of retail, including a parking structure and ground level public open space, with waivers, at 550 South Rosemary Avenue within the CityPlace Commercial Planned Development.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 18-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RELATING TO THE CITYPLACE DEVELOPMENT OF REGIONAL IMPACT (DRI) GOVERNED BY ORDINANCE NO. 5038-23, THE DEVELOPMENT ORDER FOR THE CITYPLACE DRI; APPROVING A LEVEL III SITE PLAN PURSUANT TO ORDINANCE NO. 5083-23 TO ALLOW THE CONSTRUCTION OF A 21-STORY TOWER AND A 23-STORY TOWER CONTAINING OFFICE AND RETAIL USES AND A

PARKING STRUCTURE WITH GROUND LEVEL PUBLIC OPEN SPACE, INCLUDING WAIVERS, LOCATED AT 550 SOUTH ROSEMARY AVENUE; DECLARING THE SITE PLAN TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY, THE CONDITIONS OF APPROVAL OF THE CITYPLACE DRI DEVELOPMENT ORDER, AND THE REQUIREMENTS OF SECTION 94-35 OF THE CITY'S ZONING AND LAND DEVELOPMENT REGULATIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 18-24.

This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and the findings that the Level III Site Plan meets the site design qualitative development standards found in Section 94-35 (c) of the City of West Palm Beach Zoning and Land Development Regulations, city concurrency requirements and the conditions of approval contained in Ordinance No. 5038-23, as applicable.

Background Information:

The 550 South Rosemary Avenue site, while zoned CityPlace Commercial Planned Development (CPD), is located within the CityPlace Development of Regional Impact (DRI), which allows a mix of residential, retail, restaurant, office, hotel, and entertainment uses, as well as, the Palm Beach County Convention Center. The subject parcel of land, 550 South Rosemary Avenue, previously housed the AMC movie theater, the Improv comedy club, restaurants, and retail bays as well as the C Block parking garage. The structures are in the process of being demolished.

On January 24, 2022, the City Commission adopted Resolution No. 9-22, which created the Rosemary Square East Subarea, which includes the development regulations governing the redevelopment of 550 South Rosemary Avenue. The Rosemary Square East Subarea permits the proposed 21-story and 23-story towers consisting of approximately 744,492 square feet of office and 63,890 square feet of retail that CityPlace Retail, LLC wishes to construct on the site. On April 17, 2023, the City Commission adopted Ordinance No. 5038-23, which amended the Conversion of Use provisions of the CityPlace DRI, which CityPlace Retail, LLC, is using to convert unused indoor recreation and cultural square footage and movie theater seats into office square footage.

The CityPlace DRI requires that new buildings constructed within the DRI be approved as a Level III Site Plan Review by the Planning Board and City Commission. Staff has reviewed the application and the proposed building conforms to the requirements of the DRI. The proposed development requires waivers from the Rosemary Square East Subarea Building Envelope requirements and the downtown streetscape

landscaping requirements. The City Commission is authorized to grant waivers as part of the Level III Site Plan approval.

The proposed 550 South Rosemary Avenue development will consist of two (2) towers each containing retail and office use constructed on the full block bounded by South Rosemary Avenue, Gardenia Street, the F.E.C. Railroad, and Hibiscus Street. The 23-story eastern tower integrates an attached parking garage within the building envelope and contains the loading facilities for the project. The western tower contains 21-stories with no parking within the building. Both towers sit above a basement level of parking that spans the majority 550 South Rosemary Avenue site.

The Rosemary Square East Subarea requires that the development include both a public open space at the southwest corner of the site, as well as a 40-foot wide passageway between the two towers. The specific location of the public open space is to provide a separation between the taller mass of proposed western tower and the lower scale of the Himmel Theater to the south across Hibiscus Street. It also compliments the open space that is being provided at the corner of South Rosemary Avenue and Hibiscus Street as part of the 575 South Rosemary Avenue building that is currently nearing completion. The passageway serves to provide separation between the two towers as well as a continuation of the existing pedestrian area located between the Himmel Theater and the retail on the block south of Hibiscus Street through to Gardenia Street.

At grade, the towers include retail and lobby space along the South Rosemary Avenue and western portions of the Hibiscus and Gardenia Street frontages, as well as the public open space and the passageway. The below grade parking is entered from the eastern portion of the building along Hibiscus Street. The eastern portion of the building along Gardenia Street provides the entrance to the upper levels of parking and the loading area. The proposed entrances to the parking garages are generally located where the entrances to the current garage are situated. The F.E.C. Railroad frontage contains the mechanical equipment, which is screened by perimeter landscape and an architectural screen mounted to the wall.

The proposed 550 South Rosemary Avenue development requires 1,366 parking spaces. The majority of these spaces are being provided within the onsite garages, with 59 parking spaces located within the Hibiscus (B) Garage, which is located on the south side of Hibiscus Street. The parking is being provided with both self park and valet options. The majority of the valet parking spaces are provided through the use of parking lifts that accommodate two (2) vehicles in order to reduce the size of the garages. Even though parking lifts are being used, the design of the parking levels requires waivers to the active use liner and building footprint standards. To comply with the subarea requirements, there are 87 Electric Vehicle charging stations being provided throughout the

garage that will serve self-park, ADA and valet spaces.

The buildings are constructed with curved corners, step backs, and recesses to add architectural variation to the building and private open space for the eastern tower. This building design has led to some portions of podium on both the buildings exceeding the maximum building setbacks. The areas where the maximum setbacks are exceeded require the approval of waivers to the subarea requirements.

As part of the 550 South Rosemary Drive redevelopment, the streetscape along South Rosemary Avenue, Hibiscus Street, and Gardenia Street along the project frontages will be modified. The street frontages will be brought into conformance with the downtown streetscape requirements. This includes the provision of sidewalks that are a minimum of eight (8) feet in width and that shade trees and bicycle racks that are provided along the street frontages. Due to the driveway entrances to the parking garages and loading area along Hibiscus and Gardenia Streets and the drop off and future transit stop locations along South Rosemary Avenue, the project requires waivers to the the 30-foot tree streetscape spacing requirement.

LIST OF WAIVERS

The nine (9) waivers required by the project are listed below and discussed in detail in the Planning Board Staff Report (Attachment I):

- **Waiver # 1:** Rosemary Square East Subarea - Hibiscus Street Active Use Liner – 60% Required for Levels 2 through 5, Requesting 52% on Levels 2 & 3 and 26% on Levels 4 & 5.
- **Waiver # 2:** Rosemary Square East Subarea - Gardenia Street Active Use Liner –50% Required for Levels 2 through 5, Requesting 26% on Levels 4 & 5.
- **Waiver # 3:** Rosemary Square East Subarea - Building Footprint (Lot Area Coverage) above 60 feet – 55% maximum, 62% requested.
- **Waiver # 4:** Rosemary Square East Subarea - Maximum Podium Setback along Hibiscus Street for corridor between East Tower and Garage – 54 feet maximum, 74.9 feet requested.
- **Waiver # 5:** Rosemary Square East Subarea - Maximum Podium Setback along Gardenia Street for Levels 2 through 5 of East Tower at private open space - 49 feet maximum, varied dimension between 60.6 and 104.4 feet requested.

- **Waiver # 6:** Rosemary Square East Subarea - Maximum Podium Setback along South Rosemary Avenue for Northwest Corner of West Tower – 49 feet maximum, 70.1 feet requested.
- **Waiver # 7:** Section 94-113.d.2 - Hibiscus Street streetscape tree planting separation – 30-foot maximum, greater than 30-foot at the garage entrance driveway requested.
- **Waiver # 8:** Section 94-113.d.2 - Gardenia Street streetscape tree planting separation – 30-foot maximum, greater than 30-foot at the garage and loading area entrance driveways requested.
- **Waiver # 9:** Section 94-113.d.2 - South Rosemary Avenue streetscape tree planting separation – 30-foot maximum, greater than 30-foot at the drop-off and future transit locations requested.

STANDARDS

The Planning Division has determined that the Level III Site Plan, including the waivers, meets the site design qualitative development standards found in Section 94-35 (c) of the City of West Palm Beach Zoning and Land Development Regulations.

Compliance with the above referenced standards is detailed in the Planning Board Staff Report (Attachment I).

PLANNING BOARD

At their Public Hearing on December 19, 2023, the Planning Board recommended approval (7-0) of the Level III Site Plan, including the nine (9) waivers, to the City Commission after determining it complies with the site design qualitative development standards found in Section 94-35 (c) of the City of West Palm Beach Zoning and Land Development Regulations.

NOTICE

Individual notices were mailed to all property owners within 500 feet of 550 South Rosemary Avenue. Signs for the Level III Site Plan were posted on the property on December 1, 2023.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

No fiscal impact.

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.