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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**  
**DRAFT Agenda**  
**Monday, February 5, 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. PROCLAMATIONS

- 6.1. Proclaiming February 11-17, 2024 as 211 Awareness Week. Proclamation to be accepted by Sharon L'Herrou, President/CEO of 211 Palm Beach and Treasure Coast.

**Originating Department:**

Mayor's Office

- 6.2. Pay tribute to Mac Fabrics on their 65th anniversary celebration. Tribute to be accepted by Sandy Costello, business owner.

**Originating Department:**

Mayor's Office

## 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. Minutes of the Regular City Commission Meeting of January 8, 2024.

**Originating Department:**

Mayor's Office

- 7.2. Resolution No. 330-23 approving an amendment to the interlocal agreement between the West Palm Beach Community Redevelopment Agency, the City of West Palm Beach, and the Downtown Development Authority; and

Resolution No. 23-24(F) recognizing and appropriating transfer of cash proceeds for the Trolley Stopgap Project.

**Originating Department:**

Mayor's Office

**Ordinance/Resolution:**

RESOLUTION NO. 330-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE INTERLOCAL AGREEMENT AMONG THE WEST PALM BEACH DOWNTOWN DEVELOPMENT AUTHORITY, THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY, AND THE CITY OF WEST PALM BEACH REGARDING THE DDA WORK PLAN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 23-24(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 RECOGNIZE A TRANSFER FROM THE COMMUNITY REDEVELOPMENT AGENCY AND TO PROVIDE APPROPRIATIONS FOR THE TROLLEY STOP-GAP PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

The West Palm Beach Community Redevelopment Agency (CRA), the West Palm Beach Downtown Development Authority (DDA), and the City of West Palm Beach (City) established an interlocal agreement in 2020 that identified specific services for the Trolley System and Downtown Exterior Maintenance for fiscal years 2020-2024 that would be coordinated between the three entities. This include such services as:

- Homelessness Services
- Street Cleaning Services
- Landscaping Services
- Pressure Washing
- Sanitation
- Trolley Services (Fixed Route)

The amendment to the interlocal agreement provides additional clarity and detail on the services outlined above, including costs allocations and responsibilities for services, and establishes fixed route and on demand stop gap pilot transportation services.

Resolution No. 23-24(F) recognizes transfer of cash proceeds from the CRA to provide appropriations for the Trolley Stopgap Project.

The CRA companion item is Resolution No. 23-42 and Resolution No. 24-3(F).

Located in the Downtown/City Center CRA District.

Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

Approval will recognize transfer of cash proceeds and re-appropriate existing funding for the Trolley Stopgap Project

- 7.3. Resolution No. 27-24(F) authorizes the amendment of the Capital Acquisition Fund budget, re-appropriating funding from the Parks Maintenance Complex Parking Lot project to Lincoln Park Basketball Courts renovations.

**Originating Department:**

Parks and Recreation

**Ordinance/Resolution:**

RESOLUTION NO. 27-24(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 CAPITAL ACQUISITION FUND BUDGET TO PROVIDE APPROPRIATIONS FOR THE LINCOLN PARK BASKETBALL COURT RENOVATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

Funding for Lincoln Park Basketball Court Renovations and Park Maintenance Parking Lot Resurfacing projects were approved at the May 15, 2023 City Commission Meeting with Resolution No. 110-23(F).

1) The Lincoln Park Basketball Courts Renovations budget was set at \$350,000. Quotes for this project have come in at \$481,295; the budget deficit for this project is \$131,295.

2) The Park Maintenance Complex Parking Lot budget was at \$275,000. The final cost of this project was \$99,410; the budget surplus for this project is \$175,590.

The reallocation of \$166,000 from the Park Maintenance Complex Parking Lot budget to the Lincoln Park Basketball Courts Renovations budget would permit this project to begin.

Commission District 3: Commissioner Christy Fox.

Commission District 4: Commissioner Joseph A. Peduzzi.

**Fiscal Note:**

Approval authorizes the amendment of the Capital Acquisition Fund budget, re-appropriating funding from the Parks Maintenance Complex Parking Lot project to Lincoln Park Basketball Courts renovations.

- 7.4. Resolution No. 15-24 authorizing the execution of an amendment to the Interlocal Funding Agreement between Palm Beach County and the City of West Palm Beach for construction of certain City utility improvements on Australian Avenue and Palm Beach Lakes Boulevard.

**Originating Department:**

Engineering

**Ordinance/Resolution:**

RESOLUTION NO. 15-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN AMENDMENT TO THE INTERLOCAL FUNDING AGREEMENT BETWEEN PALM BEACH COUNTY AND THE CITY OF WEST PALM BEACH FOR UTILITY WORK IN CONJUNCTION WITH THE COUNTY'S PROJECT AT AUSTRALIAN AVENUE AND PALM BEACH LAKES BOULEVARD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

On January 29, 2018, the City of West Palm Beach Commission approved Resolution No. 422-17 executing the Joint Participation and Project Funding Agreement for the construction of the City of West Palm Beach (City) owned utility improvements in conjunction with the Palm Beach County's project for the reconstruction of Australian Avenue and Palm Beach Lakes Boulevard ("County Project").

The County Project involved improvements of the roadway and stormwater systems on Australian Avenue (from 10th Street to 15th Street) and Palm Beach Lakes Boulevard (from Australian Avenue to Carver Avenue). The City improvements included the replacement of the existing water main; existing force main; abandonment of an existing force main; and incidental adjustments of City utilities at various locations, in order to avoid conflicts with the storm sewer system proposed by the County Project. The City's utility improvements were bid and constructed as part of the County Project and completed in early 2022.

On April 18, 2018, Palm Beach County (County) and the City entered into Joint Participation and Funding Agreement R2018-0367. Under the terms of Agreement R2018-0367, the City shall reimburse the County a total estimated amount of \$1,003,252.80 for the cost of the City's utility improvements.

Unforeseen events during construction, including a water main break, additional sanitary sewer replacement work, and material and labor cost escalations, increased the construction cost of the City portion of the project to a total amount of \$1,117,365.27 for an additional amount due of \$114,112.47.

Resolution No. 15-24 approves an amendment to the Interlocal Funding Agreement (R2018-0367) amending the total amount the City shall reimburse the County to \$1,117,365.27.

Commission District 1: Commissioner Cathleen Ward.

Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

The increased cost will be funded out of the existing project budget accounts. No additional funding is requested.

- 7.5. Resolution No. 32-24 approving an Interlocal Agreement among the East Central Regional Wastewater Treatment Facilities Operations Board, the City of West Palm Beach, and Palm Beach County for enhancements to the Florida Power and Light Reclaimed Water Facility.

**Originating Department:**

Public Utilities

**Ordinance/Resolution:**

RESOLUTION NO. 32-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT AMONG THE EAST CENTRAL REGIONAL WASTEWATER TREATMENT FACILITIES OPERATIONS BOARD, THE CITY OF WEST PALM BEACH, AND PALM BEACH COUNTY RELATED TO ENHANCEMENTS TO THE FLORIDA POWER AND LIGHT (FPL) RECLAIMED WATER FACILITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

Palm Beach County, the City and the East Central Regional Wastewater Treatment Facility Operations Board ("ECR") entered into various Interlocal Agreements and amendments regarding the County's construction of a PBC-FPL Reclaimed Water facility for the ECR with the output from the facility dedicated to the County so that the County could provide Reclaimed Water service predominantly to Florida Power & Light.

The County represents that the PBC-FPL Reclaimed Water Facility requires certain immediate enhancements, including improvements related to performance of chemical process piping systems, chemical bulk storage tanks, and chemical pumps for the sodium hypochlorite system, electrical, instrumentation, control upgrades, and supporting programming. In addition, certain enhancements for the safety of the operations and maintenance personnel (the "Enhancements").

The ECR, County and City are in agreement that the County is the best party to undertake the Enhancements to the PBC-FPL Reclaimed Water Facility, and wish to enter into an Interlocal Agreement to permit the County to proceed with the Enhancements, and to provide certain assurances to the ECR and City related to the Enhancements.

The ECR Board approved the Interlocal Agreement on January 3, 2024.

Resolution No. 32-24 approves the Interlocal Agreement among the City,

ECR and Palm Beach County.

**Fiscal Note:**

No cost to the City of West Palm Beach, individually, or as a member entity of the East Central Regional Water Reclamation Facility. The enhancements proposed will be funded through the East Central Regional Water Reclamation Facility Reuse Facility Rehabilitation and Replacement Fund 479.

**8. RESOLUTIONS**

- 8.1. Resolution No. 40-24(F) amending the Fiscal Year 2023/2024 General Fund budget to recognize a parking meter donation in the amount of \$9,793.51 for Martin Luther King Jr. Day, January 15, 2024, and appropriating the funds for a donation to the Martin Luther King Jr. Caregivers.

**Originating Department:**

Parking

**Ordinance/Resolution:**

RESOLUTION NO. 40-24(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 RECOGNIZE PARKING METER REVENUES AND PROVIDE APPROPRIATIONS FOR A DONATION TO MARTIN LUTHER KING JR. CAREGIVERS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 40-24(F).

**Background Information:**

Resolution No. 40-24(F) appropriates the parking meter donations from the Martin Luther King Jr. (MLK) Holiday to the Martin Luther King Jr. Caregivers. The Martin Luther King Jr. Caregivers are volunteers who provide assistance to the frail, elderly, and home-bound in the inner City of West Palm Beach. This program began in 1996 and continues to provide much needed assistance.

A donation of \$9,793.51 is awarded to the Martin Luther King Jr. Caregivers program for the 2024 MLK Jr. holiday.

**Fiscal Note:**

Approval recognizes donation proceeds and provides appropriations for

Martin Luther King Jr Caregiver programming.

- 8.2. Resolution No. 24-24 approving the conveyance agreement for property located at 1400 Henrietta Avenue to the West Palm Beach Housing Authority for the construction of an affordable rental housing development; and

Resolution No. 25-24 approving a pre-development grant agreement and funding to the West Palm Beach Housing Authority in a sum not to exceed \$250,000 for the construction of an affordable rental housing development located at 1400 Henrietta Avenue.

**Originating Department:**

Housing and Community Development

**Ordinance/Resolution:**

RESOLUTION NO. 24-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE CONVEYANCE AGREEMENT FOR PROPERTY LOCATED AT 1400 HENRIETTA AVENUE TO THE WEST PALM BEACH HOUSING AUTHORITY FOR THE CONSTRUCTION OF AN AFFORDABLE RENTAL HOUSING DEVELOPMENT; AUTHORIZING THE MAYOR TO EXECUTE ALL AGREEMENTS AND RELATED DOCUMENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 25-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A PRE-DEVELOPMENT GRANT AGREEMENT AND FUNDING IN AN AMOUNT NOT TO EXCEED \$250,000 TO THE WEST PALM BEACH HOUSING AUTHORITY; AUTHORIZING THE MAYOR TO EXECUTE ALL AGREEMENTS AND RELATED DOCUMENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 24-24 and Resolution No. 25-24.

**Background Information:**

On Monday, May 2, 2023, the City of West Palm Beach Commission approved Resolution No. 72-23, which determined that City property located at 1400 Henrietta Avenue was not needed for City purposes, declared the property as surplus, and authorized the conveyance of the property through negotiations with the West Palm Beach Housing Authority (WPBHA) for the development of affordable or workforce housing.

As directed by Resolution No. 24-24, the WPBHA will redevelop the 1.5 acre site as a flagship supportive multifamily rental housing development for individuals or families who are homeless or at-risk of homelessness,



with available off-site supportive wrap-around services.

The conveyance agreement includes the following material terms:

Affordable Housing: Recipient agrees that in consideration for the conveyance of the property, Recipient shall construct a multi-family rental housing development for persons or families who qualify for assistance under the HOME-ARP program with a preference for individuals and families who are experiencing homeless or are at risk of homelessness.

Restrictive Covenant: The recipient has agreed to accept the property subject to a restrictive covenant. The restrictive covenant shall require that the rental units developed on the property be affordable pursuant to published rent limits and restricted for a period of at-least forty (40) years or the life of the building to eligible renters who were previously homeless or are at risk of homelessness, whose income is less than or equal to 80% of the area median gross income.

Reverter: The deed to the recipient shall include a Right of Reverter, which shall provide that in the event that construction is not completed on the construction completion date, or as otherwise agreed upon between the parties as set forth in the reverter, title to the Property shall revert to the City.

Section 2-31 (27) (g) provides that City property used for construction of housing pursuant to an approved City housing program may be approved by resolution rather than ordinance. Resolution No. 24-24 accomplishes these requirements and authorizes the conveyance of property to the WPBHA for the construction of an affordable rental housing development at 1400 Henrietta Avenue.

Furthermore, and to expedite the predevelopment process of the project, the City wishes to enter into a grant agreement with the WPBHA for an amount not to exceed \$250,000. The purpose of the funds is to provide the WPBHA with the necessary capital to initiate the predevelopment work needed, while all other funding agreements are negotiated and finalized. The source of the grant funds is the City's local Housing Trust Fund.

Grant funds will be paid on a reimbursement basis based on actual costs incurred in conformance with the allowable costs in the agreement including: architectural, engineering services, or related professional services to prepare plans; drawings, and specifications; development consultant services; the costs of survey; environmental testing and appraisals; project underwriting; and other project management costs approved in writing by the City's Housing and Community Development Director.

Housing Trust Fund grants in excess of \$75,000 must be approved by the City Commission by a simple majority vote.

The conveyance agreement and grant agreement provided with this agenda item includes a detailed description of the terms and conditions that were negotiated among the parties.

Resolution No. 24-24 authorizes the Mayor to execute a conveyance agreement with the WPBHA for property located at 1400 Henrietta Avenue for the construction of an affordable rental housing development.

Resolution No. 25-24 approves a predevelopment grant agreement with the WPBHA in an amount not to exceed \$250,000 from the Local Housing Trust Fund.

Commission District 1: Commissioner Cathleen Ward.

**Fiscal Note:**

The funding will come from the Housing Trust Fund.

## 9. PUBLIC HEARING

- 9.1. Public Hearing and First Reading of Ordinance No. 5083-24: A City-initiated request to change the Future Land Use designation of the area generally bounded by the parcels south of Pine Street to the north, 14th Street to the south, North Flagler Drive to the east and North Dixie Highway to the west consisting of 17.35 acres, from Multifamily (MF) and Commercial (C) to Mixed Use (MU), for the purpose of expanding the boundaries of the Currie Mixed Use District.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 5083-24: 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 THE AREA GENERALLY BOUNDED BY THE PARCELS SOUTH OF PINE STREET TO THE NORTH, 14TH STREET TO THE SOUTH, NORTH FLAGLER DRIVE TO THE EAST AND NORTH DIXIE HIGHWAY TO THE WEST CONSISTING OF 17.35 ACRES, FROM MULTIFAMILY AND COMMERCIAL TO MIXED USE; 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. 5083-24, changing the Future Land Use designation of ±17.35 acres of the area generally bounded by the parcels south of Pine Street to the north, 14th Street to the south, North Flagler Drive to the east and North Dixie Highway to the west, from a Multifamily (MF) and Commercial (C) Future Land Use designation to a Mixed Use (MU) Future Land Use designation. 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 the City's Comprehensive Plan.

**Background Information:**

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

The Currie Mixed Use District (CMUD) is a mixed-use redevelopment area currently comprised of ±50.7 acres, generally located between North Flagler Drive and North Dixie Highway to the east and west, and between 27th Street and Pine Street to the north and south. The district was originally created to establish a transition area between the single-family residential use to the north, Northwood Village to the west, and the professional offices to the south.

Due to an increase in development interest over recent years and the City's desire to revitalize North Dixie Highway, the proposal to expand the boundaries of CMUD to the south has been ongoing for some time.

In order to proceed with the expansion of CMUD, multiple steps are required. This includes a Future Land Use Map Amendment (Ordinance No. 5083-24), a rezoning (Ordinance No. 5084-24) and a text amendment to the CMUD regulations (Ordinance No. 5085-24) to add the expansion area. These applications are moving forward concurrently for consistency with the changes to expand the boundaries of CMUD.

Ordinance No. 5083-24 is the first required step to expanding the boundaries of CMUD. The Future Land Use designation of the parcels within the expansion area must be changed to Mixed Use (MU), which is a land use designation consistent with the Currie Mixed Use District.

LAND USE COMPATIBILITY ANALYSIS

With regards to land use compatibility, the proposed expansion area is bounded by water to the east, the MU Future Land Use designation to the north, and parcels with a commercial and multifamily residential Future Land Use designation to the west and south. The proposed MU Future

Land Use designation would provide a more logical land use transition between the MU in the existing CMUD to the north and the City's Downtown Master Plan (DMP) area that is located just south of the proposed new CMUD expansion area.

LEVEL-OF-SERVICE (LOS) ANALYSIS

Pursuant to Chapter 163 of the Florida Statutes, any Future Land Use Map Amendment must be evaluated to determine if the proposed Future Land Use designation will have significant impact on the level-of-service (LOS) for public facilities (i.e. drainage, potable water, wastewater, solid waste, schools, and traffic) that service the property and the surrounding area. The LOS for public facilities is analyzed based on the maximum development potential for the current and the proposed Future Land Use designation, and whether or not each public facility has the reserved capacity to accommodate the change in the Future Land Use designation. Table 1 below summarizes the maximum development potential for the current and proposed Future Land Use designation of the expansion area and compares the combined maximum development potential with the development cap for CMUD.

Table 1:  
Current and Proposed Maximum Development Potential of CMUD, CMUD South Expansion Area and CMUD + CMUD South Expansion Area Combined

Future Land Use (FLU) Designation	Maximum Density/Intensity	Maximum Development Potential
<i>Existing CMUD South:</i> MF (4.4 acres) and C (12.9 acres)	32.27 du/acre 0.75 FAR	141 dwelling units 421,443 SF of commercial
<i>Existing CMUD:</i> MU (50.7 acres)	4,065 dwelling units and 2.3 million SF of commercial	4,065 dwelling units 2.3 million SF of commercial*
<i>Existing Combined: CMUD + CMUD South</i> MF & C + MU	-	4,206 dwelling units 2.721 million SF of commercial/non-residential
<i>Proposed CMUD South:</i> MU	4,065 dwelling units and 2.3 million SF of non-residential	4,065 dwelling units 2.3 million SF of non-residential **
<i>Proposed FLU minus existing FLU for CMUD + CMUD South:</i>		<b>-141 dwelling units</b> (4,065 units minus 4,206 units) & <b>-421,443 SF of commercial uses</b> (2.3 million SF minus 2.721 million SF)

**Future Land Use Designations:** MF = Multifamily; C = Commercial; MU = Mixed Use.

**Notes:** \*Based on development caps for CMUD in Future Land Use Element Policy 1.7.2.3 of the Comprehensive Plan;

\*\*Proposed CMUD South expansion will not change the maximum CMUD caps included in FLUE Policy 1.7.2.3.

The existing CMUD covers approximately ±50.7 acres. Future Land Use Element (FLUE) Policy 1.7.2.3 of the Comprehensive Plan limits the total

development in CMUD to no more than 4,065 dwelling units and 2.3 million square feet of commercial uses. Currently, in the CMUD area there are 1,183 dwelling units (29%) that are either existing, under construction and approved, as well as 146,488 square feet (6.3%) of non-residential uses. This means that existing and approved development in CMUD is well below the maximums allowed by the Comprehensive Plan.

The proposed CMUD South expansion would add approximately ±17.3 acres to the area of CMUD. The existing MF and C Future Land Use designations for the proposed CMUD south area would allow for a maximum development potential of 141 dwelling units and 421,443 square feet of commercial uses. Based on existing regulations, the current CMUD area plus the proposed CMUD south area could potentially allow a maximum of 4,206 dwelling units and 2.721 million square feet of commercial/non-residential uses. However, staff is recommending that the proposed expansion of CMUD to the CMUD South area assign the Mixed Use FLU designation to the proposed expansion area, while at the same time, maintaining the CMUD development caps in FLUE Policy 1.7.2.3. By keeping the current CMUD development cap even though the limits of CMUD will be expanded by adding the proposed CMUD south area, the proposed FLU amendment will result in a reduction on the total amount of development permitted for the combined existing CMUD area plus the proposed CMUD south area when compared to the amount of development that could happen on both areas based on current regulations.

The reduction in the amount of development permitted for the entirety of the proposed CMUD area will also positively affect the impact on public facilities as the proposed FLU amendment will result in a lower trip generation, water and sewer impacts when the public facilities impacts of the buildout of the proposed CMUD expansion are compared to the impacts of the buildout for the existing FLU designation.

### CONCLUSION

It is staff's professional opinion that the request for the FLU Map Amendment has met at least one of the required standards in the evaluation for a FLU change pursuant to FLUE Policy 1.1.5 of the City's Comprehensive Plan; therefore, staff is recommending approval.

### MAYOR/COMMISSION WORK SESSION

On May 8, 2023, the Mayor and Commission held a Work Session to discuss the proposal to expand CMUD South. At the meeting, the proposed expansion area and the proposed CMUD subdistrict zoning of the parcels within the expansion area were presented, including the potential impact of increased building heights to the surrounding area. No major issues were raised, and at the conclusion of the Work Session,

staff was given the directive to move forward with the CMUD South expansion project.

### PUBLIC WORKSHOPS

Commencing in the Spring of 2022, staff held public workshops to discuss and obtain feedback on the City's proposal to expand the CMUD. The workshops were held on the following dates:

- April 25, 2022
- July 21, 2022
- July 27, 2023
- August 23, 2023

### PLANNING BOARD

After a Public Hearing on November 21, 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 in the affected area and within 500 feet of the area subject to this request. Per statutory requirement, First Reading of Ordinance No. 5083-24 was advertised in the Palm Beach Post on January 29, 2024, and Second Reading will be advertised in the Palm Beach Post on February 15, 2024.

### COMMISSION DISTRICT

Commission District 1: Commissioner Cathleen Ward.

- 9.2. Public Hearing and First Reading of Ordinance No. 5084-24: A City-initiated request to rezone certain parcels in an area generally bounded by the parcels south of Pine Street to the north, 14th Street to the south, North Flagler Drive to the east, and North Dixie Highway to the west and consisting of ±10.11 acres, from Professional Office Residential (POR) and General Commercial (GC) to Currie Mixed Use District-Core I subdistrict and Currie Mixed Use District-Transition subdistrict.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 5084-24: 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 CERTAIN PARCELS WITHIN AN AREA GENERALLY BOUNDED BY THE PARCELS SOUTH OF PINE STREET TO THE NORTH, 14TH STREET TO THE SOUTH, NORTH FLAGLER DRIVE TO THE EAST AND NORTH DIXIE HIGHWAY TO THE WEST, CONSISTING OF 10.11 ACRES, FROM PROFESSIONAL OFFICE RESIDENTIAL AND GENERAL COMMERCIAL TO CURRIE MIXED USE DISTRICT-CORE I SUBDISTRICT AND CURRIE MIXED USE DISTRICT-TRANSITION SUBDISTRICT; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5084-24 rezoning certain parcels, totaling ±10.11 acres within the area generally bounded by the parcels south of Pine Street to the north, 14th Street to the south, North Flagler Drive to the east and North Dixie Highway to the west from Professional Office Residential (POR) and General Commercial (GC) into Currie Mixed Use District-Core I Subdistrict and Currie Mixed Use District-Transition Subdistrict. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board along with the findings that the rezoning is consistent with the Comprehensive Plan and complies with the Rezoning Standards of Section 94-32 of the City's Zoning and Land Development Regulations.

**Background Information:**

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

This rezoning application is the concurrent application to the Future Land Use Map Amendment (Reference: Ordinance No. 5083-24) in the expansion of the Currie Mixed Use District (CMUD) at its current southern boundary. The rezoning is required for consistency with the proposed Mixed Use (MU) Future Land Use designation of the expansion area.

This application seeks to rezone certain parcels within the expansion area from Professional Office Residential (POR) and General Commercial (GC) into CMUD-Core I and CMUD-Transition subdistricts.

The Flagler Pointe Condominium (located at 1801 North Flagler Drive, at the northern boundary of the CMUD South expansion area) is the only parcel within the expansion area zoned a planned development (zoned Professional Office Residential/Planned Development). Due to the complex nature of a planned development (i.e. ownership structure), the zoning of this parcel as a planned development will remain and will not be impacted by the rezoning. Should the owners of the Flagler Pointe Condominium decide in the future to rezone to a CMUD subdistrict, the property owners may do so as a separate privately-initiated rezoning

application.

### ANALYSIS

To determine the most appropriate CMUD subdistrict zoning classification for the parcels within the expansion area, staff examined the zoning pattern of the current CMUD as well as the general development pattern outside the expansion area. The analysis concludes that zoning for the highest density and intensity within CMUD occurs along North Flagler Drive south of 26th Street, with all the parcels zoned either CMUD-Core IA (allows a maximum building height of 350 feet with bonus height incentives) and CMUD-Core I (allows a maximum building height of 306 feet with bonus height incentives). The logical expansion of CMUD along North Flagler Drive would be the extension of the Core I subdistrict to the parcels affected by the rezoning of the expansion area. Additionally, the City's Downtown is located within a quarter mile of the CMUD. The development of Downtown is characterized by high-rise buildings, and the expansion of CMUD would be a reasonable expansion of Downtown, considering the development pattern of CMUD and Downtown. It is also recognized that the CMUD regulations are similar to the City's Downtown Master Plan regulations in terms of building heights, placement of structures, building form and of streetscape and open space requirements.

As for the smaller parcels within the expansion area along North Dixie Highway and west of (and not fronting along) North Flagler Drive, a CMUD-Transition subdistrict is proposed (allows a maximum height of 163 feet with bonus height incentives). Most parcels along the western portion of the current CMUD are zoned CMUD-Transition, which is more compatible with the development pattern of short buildings and densities along Dixie Highway within and outside of the CMUD boundaries. It would be logical to extend the CMUD-Transition subdistrict to these smaller parcels.

### CONCLUSION

The rezoning of the affected parcels to a CMUD subdistrict zoning is consistent with the proposed Future Land Use designation of MU for the affected area. It is also staff's opinion that the rezoning of the affected parcels is also compatible with the zoning land use pattern of the immediate area and that the proposed rezoning meets the Rezoning Standards of Section 94-32 of the City's Zoning and Land Development Regulations; therefore, staff is recommending approval of the request.

### MAYOR/COMMISSION WORK SESSION

On May 8, 2023, the Mayor and Commission held a Work Session to



discuss the proposal to expand CMUD South. At the meeting, the proposed expansion area and the proposed CMUD subdistrict zoning of the parcels within the expansion area were presented, including the potential impact of increased building heights to the surrounding area. No major issues were raised, and at the conclusion of the Work Session, staff was given the directive to move forward with the CMUD South expansion project.

### PUBLIC WORKSHOPS

Commencing in the Spring of 2022, staff held public workshops to discuss and obtain feedback on the City's proposal to expand the CMUD. The workshops were held on the following dates:

- April 25, 2022
- July 21, 2022
- July 27, 2023
- August 23, 2023

### PLANNING BOARD

After a Public Hearing on November 21, 2023, the Planning Board unanimously recommended approval (6-0) of the rezoning to the City Commission.

### PUBLIC NOTICE

Individual notices were mailed to all property owners in the affected area and within 500 feet of the area subject to this request. First Reading of Ordinance No. 5083-24 was advertised in the Palm Beach Post on January 29, 2024, and Second Reading will be advertised in the Palm Beach Post on February 15, 2024.

### COMMISSION DISTRICT

Commission District 1: Commissioner Cathleen Ward.

- 9.3. Public Hearing and First Reading of Ordinance No. 5085-24: A City-initiated request for a text amendment to the Zoning and Land Development Regulations to expand the boundaries of the Currie Mixed Use District (CMUD) and to provide for additional height bonus incentives within the District.

**Originating Department:**  
Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 5085-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 94 (ZONING AND LAND DEVELOPMENT REGULATIONS), ARTICLE VII (SPECIAL DISTRICTS), SECTION 94-215 (CURRIE MIXED USE DISTRICT), TO EXPAND THE BOUNDARIES AND TO PROVIDE FOR ADDITIONAL BUILDING HEIGHT INCENTIVES WITHIN THE CURRIE MIXED USE DISTRICT; DECLARING THIS AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5085-24, amending the text of Chapter 94, Zoning and Land Development Regulations, Article VII, Special Districts, Section 94-215, Currie Mixed Use District, of the City's Code of Ordinances, to expand the boundaries of the Currie Mixed Use District and to provide for additional building height incentives within the district.

**Background Information:**

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

The proposed text amendment to the City's Zoning and Land Development Regulations (ZLDRs) corresponds with concurrent and proposed applications for the Future Land Use Map Amendment (Reference: Ordinance No. 5083-24) and Rezoning (Reference: Ordinance No. 5084-24) in the expansion of the Currie Mixed Use District (CMUD) at its existing southern boundary (the expansion project is referred to as "CMUD South").

The text change amends Chapter 94 (Zoning and Land Development Regulations), Article VII (Special Districts), and Section 94-215 (Currie Mixed Use District) of the City's Code of Ordinances. The text amendment addresses the following changes in the expansion of CMUD:

- Redefining the boundaries of CMUD to include the expansion area.
- Modifying the Regulating Plans (adopting maps) of the CMUD to include the expansion area.
- The addition of two (2) new height bonus incentives to provide additional public benefits within the overall district.
- Modifying the language providing for the Northwood Road Extension height incentive to clarify the requirements and dollar amount required by the Developer utilizing the incentive.

- Modifying the applicability of some existing height incentives, as not all existing incentives are eligible/applicable to the CMUD South expansion area.

The addition of the new incentives to the existing height bonus program within CMUD stem from the City’s desire to complete critical infrastructure work/repair along the waterfront within the public realm of CMUD and/or in close proximity to the district as a result of sea level rise. A summary of the two new incentives to the height bonus program for the district is provided below:

**1. Flagler Drive Seawall Improvement**

The existing seawall along Flagler Drive is aging and in need of improvement. This incentive would require the Developer to contribute to a seawall improvement fund. The Developer seeking to utilize this incentive would receive additional height based on the lineal footage seawall repair as noted in the table below:

<b>Linear Feet of Seawall Improvement</b>	<b>Additional Height</b>
200 feet	31 feet
250 feet	39 feet
300 feet	46 feet
350 feet	54 feet
400 feet	62 feet
450 feet	69 feet
500 feet	77 feet

**2. North Flagler Drive Roadway Improvement**

This incentive requires the Developer to contribute to a North Flagler Drive Roadway Improvement fund. The Developer seeking to utilize this incentive will receive additional height based on the lineal footage of improvements along North Flagler as noted in the table below:

<b>Linear Feet of Roadway Improvement</b>	<b>Additional Height</b>
5,867 linear feet	20 feet
8,800 linear feet	30 feet
11,733 linear feet	40 feet
14,667 linear feet	50 feet
17,600 linear feet	60 feet
20,533 linear feet	70 feet
23,467 linear feet	80 feet

The text amendment does not modify the building heights within CMUD. The proposed text amendment simply extends the boundaries of the district, provides for additional bonus height incentives, and designates and applies the existing regulations to the parcels within the expansion area.

### MAYOR/COMMISSION WORK SESSION

On May 8, 2023, the Mayor and Commission held a Work Session to discuss the proposal to expand CMUD South. At the meeting, the proposed expansion area and proposed subdistrict zoning of the parcels within the expansion area were presented, including the potential impact of increased building heights to the surrounding area. No major issues were raised, and at the conclusion of the Work Session, staff was given the directive to move forward with the CMUD South expansion project (which includes the Future Land Use Map Amendment, rezoning and text amendment to the ZLDRs).

### PUBLIC WORKSHOPS

Commencing in the Spring of 2022, staff held public workshops to discuss and obtain feedback on the City's proposal to expand CMUD. The workshops were held on the following dates:

- April 25, 2022
- July 21, 2022
- July 27, 2023
- August 23, 2023

The 2022 workshops were held to obtain preliminary feedback from the community. In 2023, additional workshops were held to present the final proposed expansion area, the proposed CMUD subdistrict zoning of the parcels within the expansion area, and informing the public of the new height incentive options to be added to the height bonus program of CMUD.

### PLANNING BOARD

After a Public Hearing on November 21, 2023, the Planning Board unanimously recommended approval (6-0) of the proposed text amendment to the City Commission.

### PUBLIC NOTICE

Individual notices were mailed to all property owners within the existing and proposed boundaries of CMUD, and all property owners within 500 feet of the area subject to this request. Per the advertising requirements in the Code of Ordinances, the text amendment will be advertised on February 10, 2023 for Second Reading.

### COMMISSION DISTRICT

Commission District 1: Commissioner Cathleen Ward.

## 10. PUBLIC HEARING - QUASI-JUDICIAL

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

10.1. Public Hearing and Second 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.

- 10.2. Public Hearing and First Reading of Ordinance No. 5086-24 regarding a Future Land Use Map Amendment to change the Future Land Use designation of approximately 6.51 acres located at 8111 South Dixie Highway from Multifamily (MF) to Commercial East (CE); and

Public Hearing and First Reading of Ordinance No. 5087-24 regarding a Rezoning to change Zoning designation of approximately 6.51 acres located at 8111 South Dixie Highway from Residential Planned Development (RPD) to General Commercial (GC).

The above-referenced requests are being made by Tyler Woolsey of Urban Design Studio, on behalf of Woodfield-Flagler Venture LLC.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 5086-24: 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 AN APPROXIMATELY 6.51 ACRES PARCEL LOCATED AT 8111 SOUTH DIXIE HIGHWAY, FROM MULTIFAMILY (MF) TO COMMERCIAL EAST (CE); DECLARING THE PROPOSED AMENDMENT TO THE FUTURE LAND USE MAP TO BE CONSISTENT WITH ALL OTHER ELEMENTS OF THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 5087-24: 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 AN APPROXIMATELY 6.51 ACRES PARCEL LOCATED AT 8111 SOUTH DIXIE HIGHWAY, FROM RESIDENTIAL PLANNED DEVELOPMENT (RPD) TO GENERAL COMMERCIAL (GC); 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. 5086-24, a Future Land Use Map Amendment to change the Future Land Use designation of approximately 6.51 acres located at 8111 South Dixie Highway from Multifamily (MF) to Commercial East (CE). This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and the findings that the request complies with the provisions of Chapter 163, Florida Statutes, and meets

the "New Issues" standard of Future Land Use Policy 1.1.5 of the City's Comprehensive Plan.

Approve Ordinance No. 5087-24, a rezoning to change the zoning designation of approximately 6.51 acres located at 8111 South Dixie Highway from Residential Planned Development (RPD) to General Commercial (GC). This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board, and the findings that the request complies with the Comprehensive Plan and the standards in Section 94-32 of the City's Zoning and Land Development Regulations.

**Background Information:**

The subject property, which is located north of the South Florida Water Management District Canal and west of South Dixie Highway, is 6.51 acres in size. The lot is currently vacant and is owned by the City of West Palm Beach. The property was previously developed with commercial uses, which included a restaurant and a restaurant equipment supply store. In 2005, a 110-unit multifamily development, known as the Acquaterra Residential Planned Development (RPD) was proposed on the subject property. On July 11, 2005, the City Commission approved Acquaterra RPD, after which the previous structures were demolished. The vacant lot was acquired by the City of West Palm Beach in November 2012.

Years later, the City was interested in developing this property and issued an Intent to Negotiate (ITN No. 20-21-502) to prospective Developers. Internal discussion of an ITN began in July 2020, and a significant amount of public outreach began shortly thereafter. At the time of issuance of the ITN on December 18, 2020, the subject property was zoned as Residential Planned Development (RPD) with an underlying zoning of MF-20 (Multifamily Medium Density) and a land use designation of M (Multifamily). The ITN suggested and contemplated a potential rezoning to MF32 or General Commercial with an underlying land use designation of Commercial East (CE).

The ITN was reissued on May 14, 2021 as ITN No. 20-21-503, and reviews were conducted by both a citizens committee, as well as a staff committee of three (3) persons in August 2021. The proposals received were shortlisted to six (6) and, eventually, the Flagler Realty team was selected to move forward with the development of this site. A final Purchase and Sale Agreement was approved on January 23, 2023, and the company is now moving forward through the entitlement process.

Flagler Realty, in conjunction with their partner Woodfield, has adjusted their plans to now include a workforce housing component pursuant to Resolution No. 306-22. This resolution provides interim standards for the City Commission review of residential projects, which will increase the



supply of affordable housing (Section 166.04151, Florida Statutes). The submitted project includes a FLUM Amendment, Rezoning, and a Formal Site Plan review.

A request was made by the applicant for a Future Land Use (FLU) Map Amendment to change the subject property from Multifamily (MF) to Commercial East (CE). The applicant also requested to change the zoning designation from Residential Planned Development (RPD) to General Commercial (GC), which allows for a density of 32 units per acre. However, under the Resolution No. 306-22, the applicant would be allowed to build at a density of 64 units per acre.

### PLANNING BOARD

After a Public Hearing on December 19, 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. 5086-24 and Ordinance No. 5087-24 were advertised in the Palm Beach Post.

### COMMISSION DISTRICT

Commission District 5: Commissioner Christina Lambert.

#### **Fiscal Note:**

No fiscal impact.

- 10.3. Public Hearing and First Reading of Ordinance No. 5088-24 regarding a Future Land Use Map Amendment to change the Future Land Use designation of approximately 3.74 acres located at 1551 Forum Place from Commercial (C) to Multifamily (MF); and

Public Hearing and First Reading of Ordinance No. 5089-24 regarding a Rezoning to change Zoning designation of approximately 3.74 acres located at 1551 Forum Place from Office Commercial (OC) to Multifamily High Density (MF-32).

The above-referenced requests are being made by Matt Wojciechowski of Schmidt Nichols, on behalf of Forum Place, LLC.

#### **Originating Department:**

Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 5088-24: 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 ONE (1) PARCEL LOCATED AT 1551 FORUM PLACE, CONSISTING OF APPROXIMATELY 3.74 ACRES, FROM COMMERCIAL (C) TO MULTIFAMILY (MF); DECLARING THE PROPOSED AMENDMENT TO THE FUTURE LAND USE MAP TO BE CONSISTENT WITH ALL OTHER ELEMENTS OF THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 5089-24: 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 ONE PARCEL LOCATED AT 1551 FORUM PLACE, CONSISTING OF APPROXIMATELY 3.74 ACRES, FROM OFFICE COMMERCIAL (OC) TO MULTIFAMILY HIGH DENSITY (MF-32); 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. 5088-24, a Future Land Use Map Amendment to change the Future Land Use designation of approximately 3.74 acres located at 1551 Forum Place from Commercial (C) to Multifamily (MF). This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and the findings that the request complies with the provisions of Chapter 163, Florida Statutes and meets the "New Issues" standard of Future Land Use Policy 1.1.5 of the City's Comprehensive Plan.

Approve Ordinance No. 5089-24, a rezoning to change the zoning designation of approximately 3.74 acres located at 1551 Forum Place from Office Commercial (OC) to Multifamily High Density (MF-32). This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board, and the findings that the request complies with the Comprehensive Plan and the standards in Section 94-32 of the City's Zoning and Land Development Regulations.

**Background Information:**

Located on the east end of Forum Place, the subject site is approximately 3.74 acres. It exists currently as a commercial office building of 7,700

square feet. The applicant has submitted a FLUM Amendment, Rezoning, and a Formal Site Plan review application to accommodate a redevelopment project, which will include workforce housing under Resolution No. 306-22. This resolution provides interim standards for the City Commission review of residential projects, which will increase the supply of affordable housing, as permitted by Section 166.04151, Florida Statutes.

To facilitate this redevelopment, the applicant has requested to change the subject property's FLU from Commercial (C) to Multifamily (MF), since the current FLU designation of Commercial (C) does not allow for the construction of residential units. The applicant has also requested to change the zoning designation from Office Commercial (OC) to Multifamily High Density (MF32) residential zoning designation.

To allow the requests, applications were submitted to change the following:

- PB Case No. 1967: A small-scale Future Land Use (FLU) Map Amendment to change FLU designation from Commercial (C) to Multifamily (MF).
- PB Case No. 1967A: A rezoning to change the zoning designation from Office Commercial (OC) to Multifamily High Density (MF-32).

### 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. 5088-24 and Ordinance No. 5089-24 were advertised in the Palm Beach Post.

### COMMISSION DISTRICT

Commission District 3: Commissioner Christy Fox.

### **Fiscal Note:**

No fiscal impact.

## **11. 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.

## **12. COMMENTS BY THE MAYOR AND CITY COMMISSIONERS**

## **13. 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.