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

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

City of West Palm Beach
City Commission
Pass/Fail Agenda
Tuesday, February 20, 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- NONE.

6. PRESENTATION- PRESENTED.

- 6.1. State of Education Report by PBC School District Member Edwin Ferguson.

Originating Department:
Mayor's Office

7. CONSENT CALENDAR- ALL ITEMS WERE APPROVED.

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

- 7.1. Resolution No. 35-24 authorizes the approval of a Landscape Installation and Maintenance Agreement between the City of West Palm Beach and Hive Home, Inc. for landscape improvements within the City-owned median adjacent to 424 Palm Street.

Originating Department:
Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 35-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE INSTALLATION AND MAINTENANCE OF LANDSCAPING IMPROVEMENTS BY HIVE HOME, INC. WITHIN THE CITY-OWNED MEDIAN ADJACENT TO 424 PALM STREET; APPROVING A LANDSCAPE INSTALLATION AND MAINTENANCE AGREEMENT BETWEEN HIVE HOME, INC. AND THE CITY OF WEST PALM BEACH FOR THE INSTALLATION AND MAINTENANCE OF SAID IMPROVEMENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The City of West Palm Beach has authority and maintenance of the roads, alleys, and rights-of- ways within the City street systems as outlined in the City code. Hive Home, Inc. is the owner of 424 Palm Street and proposed to the City to install and maintain landscaping on a City median adjacent to the property.

The Parks and Recreation Department, who oversees all ROW and median maintenance of City-owned roads, desires to accept the offer from Hive Homes. Inc. The agreement defines the roles and responsibilities, which states the landscaping and maintenance will be at no cost to the City. Hive Homes, Inc. will be responsible for the initial landscape planting, plant replacement, and ongoing maintenance.

The agreement is for a term of one (1) year and shall renew annually

thereafter unless either party cancels the agreement at least thirty (30) days prior to the renewal date.

Resolution No. 35-24 approves the landscape installation and maintenance agreement between the City and Hive Home, Inc. and the improvements made by Hive Home, Inc.

Commission District 5: Commissioner Christina Lambert.

Fiscal Note:

No fiscal impact.

- 7.2. Resolution No. 39-24(F) amending the general and grant capital project budgets for the receipt of grant funding in the sum of \$969,500 from the United States Department of Justice and to approve the use of general fund discretionary fund balance in the sum of \$70,000 for the Site on Wheels.

Originating Department:

Police

Ordinance/Resolution:

RESOLUTION NO. 39-24(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 AND GRANT CAPITAL PROJECT FUND BUDGETS FOR THE RECEIPT OF GRANT FUNDING FROM THE UNITED STATES DEPARTMENT OF JUSTICE AND TO APPROVE THE USE OF SEVENTY-THOUSAND DOLLARS OF GENERAL FUND DISCRETIONARY FUND BALANCE TO PROVIDE APPROPRIATIONS FOR THE SITE ON WHEELS MOBILE ANTENNA PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The City of West Palm Beach (CWPB) currently contracts with TUSA Consulting Services LLC for expertise and guidance on all matters related to the public safety radio network, including the West Palm Beach Police Department (WPBPD) Dispatch Center. In March 2021, TUSA provided the CWPB a Future 5 Year Plan including future options for consideration to maintain, upgrade and up fit the P-25 public safety radio network. The WPBPD and the CWPB Information Technology Department have been moving forward with several of the recommendations identified in the 5 Year Plan.

The CWPB has secured partial funding for a critical infrastructure component to the public safety radio network, specifically, a mobile

antenna that will be utilized primarily as a fourth antenna site. The mobile antenna can also support public safety communications during disaster recovery. The equipment is commonly referred to as a Site on Wheels (SOW). The SOW was recommended in TUSA's 5 Year Plan. The SOW can be relocated to any location to serve the recovery or an event. At this point, it can serve as a standalone site, or even a relocated fourth system site to serve the City as needed.

The CWPB made application to the Department of Justice for grant funding assistance and was awarded funding with support from Congresswoman Lois Frankel. The funding for the SOW is as follows:

GRANT AWARD

- Department of Justice (DOJ)
- Office of Community Oriented Policing Services (COPS Office)
- FY23 COPS Technology and Equipment Program
- Award Number: 15JCOPS-23-GG-01900-TECP
- Federal Award Amount: \$969,500

The grant application was approved by the CWPB Commission via Resolution No. 162-22:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, SUPPORTING A REQUEST FOR FEDERAL FUNDING FOR THE CITY OF WEST PALM BEACH POLICE SECURE COMMUNICATIONS PROJECT IN THE AMOUNT OF \$969,500: PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

The location for the fourth antenna site was identified in the 5 Year Plan to support the public safety radio network coverage in the western communities. Currently, the network is reliant on support from the MPSCC Open Sky network.

The site location location is as follows:

8710 North State Road 7, West Palm Beach, FL 33412
City of WPB – Water Facility

During the planning and preparation of this project, the costs have increased from the initial estimate and grant award of \$969,500. The project is managed by Communications International (CI) the CWPB radio network support contracted vendor. CI has provided an updated quote as of December 6, 2023 valid through March 31, 2024 (Quote # SWF1252023A). The quote includes needed site work for the installation and placement of the SOW at the site location. The quote totals One

Million Twenty-One Thousand Eight Hundred Eighty-Eight dollars (\$1,021,888). The difference in the grant awarded funds and unfunded project costs is Fifty-Two Thousand Three Hundred Eighty-Eight dollars (\$52,388). During the July 2023 Budget Work Session, \$139,000 was approved to be utilized to cover the increased costs of the project. Upon receiving the updated CI quote stated above, it was determined that additional unfunded balance, contingency funds, and landscaping expenses not covered by the grant total \$70,000 and will be funded by general fund discretionary fund balance.

Resolution No. 39-24(F) recognizes grant proceeds and authorizes the use of general fund discretionary fund balance (\$70,000) to provide appropriations for the SOW mobile antenna project.

Fiscal Note:

Approval recognizes grant proceeds and authorizes the use of general fund discretionary fund balance to provide appropriations for the SOW mobile antenna project.

- 7.3. Resolution No. 43-24 authorizing the assessment of City liens in the total amount of \$24,747.03 for unpaid water service, sewer service, and storm water charges for the month of November 2023.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 43-24: 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 NOVEMBER 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. 43-24 are for unpaid water, sewer service, and stormwater service charges for the month of November 2023.

The list of properties to be assessed and the associated charges totaling \$24,747.03 are provided in Resolution No. 43-24 as EXHIBIT A - Utility Lien List - November 2023.

Fiscal Note:

No fiscal impact.

- 7.4. Resolution No. 20-24 approving a Lighting Maintenance Memorandum of Agreement with the Florida Department of Transportation for maintenance of decorative street lighting on Florida State Road 5/Broadway Avenue from 45th Street to 59th Street.

Originating Department:

Engineering

Ordinance/Resolution:

RESOLUTION NO. 20-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A LIGHTING MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR MAINTENANCE OF DECORATIVE STREET LIGHTING ON FLORIDA STATE ROAD 5/BROADWAY AVENUE FROM 45TH STREET TO 59TH STREET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

In June 2020, the Florida Department of Transportation (FDOT) provided a lighting study to the City for the SR5/US1/Broadway Avenue Corridor, which identified upgrading the existing lighting with focus on improving pedestrian and cyclist safety.

The City reviewed the lighting study and requested that FDOT install decorative light poles and fixtures for consistency with existing lighting. The existing light poles are currently owned by FDOT and maintained by the City. In March 2023, FDOT requested that they engage Florida Power and Light (FPL) to furnish and install the replacement light poles and fixtures, to which the City agreed. FDOT agreed that they would coordinate with the City and FPL on the final street lighting design. FPL provided poles and fixtures will be up to current structural standards and LED lighting, which is more energy efficient and requires less maintenance.

In November 2023, FDOT provided the City with a proposed Lighting Maintenance Memorandum of Agreement (MMOA) reflecting the City's responsibility to maintain the new lighting

It was clarified by FDOT that FPL would assume the primary responsibility for mainlining their poles, but they would be acting in the capacity as a contractor for the City. FDOT does not contract directly with FPL for street lighting, as this is the municipality's responsibility. Therefore, FDOT must enter into the MMOA with the City, and the City will execute a separate agreement with FPL for the maintenance of the

street lights.

Accompanying the MMOA are the design plans prepared by FDOT wherein they will replace seventy-nine (79) streetlights with new FPL decorative poles and fixtures similar to the style of the existing lights.

The existing lights are two-tiered with a lower mounted pedestrian lighting fixture and a higher mounted roadway lighting fixture.

The new streetlights to be provided will only have a higher mounted fixture that will be of sufficient illumination for both pedestrian and roadway lighting levels.

This project is expected to go into construction for the installation of the new poles and fixtures sometime in early 2025.

Resolution No. 20-24 authorizes the Mayor to execute the Lighting MMOA between the City and FDOT.

The maintenance costs associated with this new street lighting project will be negligible for at least the first five (5) years, because this will be new infrastructure replacing old infrastructure.

Commission District 1: Commissioner Cathleen Ward.

Fiscal Note:

There is no fiscal impact with this MMOA between FDOT and the City.

8. RESOLUTIONS- ALL ITEMS WERE APPROVED.

- 8.1. Resolution No. 30-24(F) authorizes the amendment of the Parking Systems Operating Fund budget to utilize the parking discretionary fund balance to provide appropriations for garage improvements, repairs, and professional services in the amount of \$2,556,930.

Originating Department:

Parking

Ordinance/Resolution:

RESOLUTION 30-24(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 PARKING SYSTEMS OPERATING FUND BUDGET TO APPROVE THE USE OF PARKING DISCRETIONARY FUND BALANCE TO PROVIDE APPROPRIATIONS FOR IMPROVEMENTS, REPAIRS AND PROFESSIONAL SERVICES;

PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 30-24(F).

Background Information:

Resolution No. 30-24(F) authorizes the amendment of the Parking Systems Operating Fund budget to utilize the parking discretionary fund balance to provide appropriations for improvements, repairs, and professional services in the amount of \$2,556,930 to fund the following projects:

1. \$1,044,080 for professional services, structural repairs, and maintenance required for the City Center Parking Garage.
2. \$1,400,650 for professional services, structural repairs, and maintenance required for the Clematis Garage.
3. \$112,200 for the replacement of the carbon monoxide systems within the Clematis Garage.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

Approval of this item will provide \$2,556,930 for necessary repairs and maintenance of the City Center and Clematis Street parking garages.

- 8.2. Resolution No. 41-24 amending the master contract with Professional Security Consultants (PSC) to include security services for the Pleasant City neighborhood.

Originating Department:

Community Redevelopment Agency

Ordinance/Resolution:

RESOLUTION NO. 41-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN AMENDMENT TO THE SERVICES CONTRACT FOR SECURITY SERVICES WITH PROFESSIONAL SECURITY CONSULTANTS FOR THE PLEASANT CITY PILOT PROGRAM; AUTHORIZING EXECUTION OF THE AMENDMENT; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 41-24.

Background Information:

During the last year, the Community Redevelopment Agency (CRA) has been in conversations with the residents of the Pleasant City neighborhood, and in particular, with representatives from the Pleasant

City First neighborhood association. The community members have expressed their desire for additional security services in their neighborhood. The 2023/2024 CRA approved budget includes funds for a pilot security program.

In October 2023, the CRA conducted a community survey that included a map of Pleasant City for survey takers to mark the areas of most concern. The CRA collected the survey responses and used the community's feedback to consult the West Palm Beach Police Department (WPBPD) about a possible scope of services. The intention was to engage the services of Professional Security Consultants (PSC) already under contract with the CRA.

The CRA staff met with the WPBPD and PSC to discuss the patrol details and the anticipated steps to follow for the launch of a pilot program for services in Pleasant City.

The six-month pilot program will include:

- Patrol between 15th Street and 23rd, Dixie Highway and the FEC tracks
- Thirty-one (31) hours of security service per day
- Two (2) security officers per shift
- One (1) vehicle to patrol the area

The pilot program budget is \$150,000 and covers six (6) months of service.

The scope of work was presented at the Community Redevelopment Agency Advisory Board (CRAAB) meeting on January 5, 2024.

Commission District 1: Commissioner Cathleen Ward.

Fiscal Note:

The pilot program budget is \$150,000 and covers six (6) months of service.

- 8.3. Resolution No. 52-24 approving an Economic Development Building Improvement Grant to AJW 823, Inc. for renovations to 823 Belvedere Road for the business known as HG Roosters, in the amount of \$165,975.

Originating Department:

Mayor's Office

Ordinance/Resolution:

RESOLUTION NO. 52-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA,

APPROVING A BUILDING IMPROVEMENT GRANT FOR AJW 823, INC., IN THE AMOUNT OF \$165,975 FOR BUILDING IMPROVEMENTS AT 823 BELVEDERE ROAD; AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 52-24.

Background Information:

Providing economic incentives through business improvement grants for renovation or improvement of commercial space encourages property owners/landlords and business to make significant, permanent modifications to existing buildings to increase the amount and quality of commercial space within the City, with a resultant increase in overall property value and in some cases, bringing the property up to current building codes. Such building improvements allow existing businesses to expand or remain in the City; and encourage new businesses to relocate to the City, creating new jobs and benefitting the local economy.

Offering an Economic Development Building Improvement Incentive Grant encourages either existing businesses to remain and/or expand within the City, and supports the economic development strategies of the City.

HG Roosters operated as a bar and entertainment venue serving the LGBT community at 823 Belvedere Road since 1984. While shut down during COVID19, the building at 823 Belvedere Road was destroyed by fire and was not covered by insurance due to the high insurance premium. The property owner, AJW 823, Inc., and business owner, 823 Belvedere Corp., are rebuilding in order to re-open HG Roosters. The restoration includes a new roof, reframing new walls, new windows, new floors, new doors, new exterior stucco, new plumbing, new electrical, new HVAC system, new kitchen, new bathrooms, and other improvements, with a total estimated cost of \$1,697,487.

The \$1,697,487 renovation project is being funded through various sources to include private donations, bank loans, owner's personal funds and the requested grant funds from the City. The City's Building Improvement Grant Program requires that grants not exceed 10% of the project cost up to \$100,000. Staff is recommending City Commissioner approval to exceed the \$100,000 cap and award the requested grant amount of \$165,975 in light of the increased construction costs associated with historic buildings.

Terms of the grant include the requirement that the business remains at the location for the next five (5) years.

Resolution No. 52-24 approves the grant in the amount of \$165,975 and authorizes execution of the Grant Agreement.

Commission District 5: Commissioner Christina Lambert.

Fiscal Note:

The grant amount of \$165,975 is budgeted in Economic Development.

9. PUBLIC HEARING- ALL ITEMS WERE APPROVED.

- 9.1. Public Hearing and Second 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>		-141 dwelling units (4,065 units minus 4,206 units) & -421,443 SF of commercial uses (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 was advertised in the Palm Beach Post on February 15, 2024.

COMMISSION DISTRICT

Commission District 1: Commissioner Cathleen Ward.

- 9.2. Public Hearing and Second 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 was advertised in the Palm Beach Post on February 15, 2024.

COMMISSION DISTRICT

Commission District 1: Commissioner Cathleen Ward.

- 9.3. Public Hearing and Second 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:

Linear Feet of Seawall Improvement	Additional Height
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:

Linear Feet of Roadway Improvement	Additional Height
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 9, 2024 for Second Reading.

COMMISSION DISTRICT

Commission District 1: Commissioner Cathleen Ward.

- 9.4. Public Hearing and First Reading of Ordinance No. 5090-24 adopting the City of West Palm Beach amendments to the Florida Building Code 8th Edition (2023), Chapter 1, Administration.

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 5090-24: AN ORDINANCE OF THE CITY

COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF WEST PALM BEACH, FLORIDA AT CHAPTER 18 (BUILDINGS AND BUILDING REGULATIONS), ARTICLE II (BUILDING CODE), SECTION 18-32, CITY AMENDMENTS ADOPTED; ADOPTING BY REFERENCE THE AMENDMENTS TO THE FLORIDA BUILDING CODE 8TH EDITION (2023); PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, A CODIFICATION CLAUSE, AND EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5090-24 on First Reading and schedule Second Reading for March 4, 2024.

Background Information:

The Florida Building Commission has adopted the 8th Edition (2023) of the Florida Building Code, which is the State-wide building code that is administered by every jurisdiction in the State of Florida. For administrative requirements of the code, each jurisdiction may either enforce the base version of Chapter 1, Administration, in the Florida Building Code as adopted by Florida Building Commission, or adopt local amendments to Chapter 1. For earlier editions of the Florida Building Code, the City of West Palm Beach, like most jurisdictions, has adopted local amendments to Chapter 1, Administration.

Chapter 1 is the administrative chapter of Florida Building Codes, and it is the only chapter for which the Florida Building Commission has authorized amendment by local jurisdictions. Among other administrative requirements and exemptions, Chapter 1 lays out the minimum requirements for permit application support documents, minimum plan review criteria, the minimum required inspections, and the procedures for the Construction Board of Adjustment and Appeals.

For the 8th Edition (2023) of the Florida Building Code, as with previous editions, the Building Code Advisory Board (BCAB) of Palm Beach County has reviewed Chapter 1, Administration, and published suggested amendments that local jurisdictions can use to formulate their own amendments. The BCAB suggested amendments were used in the drafting of the proposed City of West Palm Beach Amendments to the Florida Building Code 8th Edition (2023), Chapter 1, Administration, and the changes made are those necessary to document the department processes that have been in place for previous editions of Florida Building Code.

Ordinance No. 5090-24 adopts the the City of West Palm Beach Amendments to the Florida Building Code 8th Edition (2023), Chapter 1, Administration.

10. PUBLIC HEARING - QUASI-JUDICIAL- ALL ITEMS WERE APPROVED.

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

10.1. Public Hearing and Second 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 Second 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.

- 10.2. Resolution No. 37-24: A special site plan review request by Tyler Woolsey of Urban Design Studio, on behalf of Woodfield-Flagler Venture, LLC, for the construction of a mixed-use development with 358 multifamily residential units (which includes a portion of workforce residential units pursuant to Resolution No. 306-22) to be located at 8111 South Dixie Highway, and requesting waivers and variances from the City's Zoning and Land Development Regulations.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 37-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SPECIAL SITE PLAN REVIEW OF THE DEVELOPMENT PROPOSAL CONSISTING OF A MIXED USE

DEVELOPMENT WITH 358 MULTIFAMILY RESIDENTIAL UNITS, WHICH INCLUDES WORKFORCE HOUSING UNITS, ON THE SUBJECT PROPERTY LOCATED AT 8111 SOUTH DIXIE HIGHWAY; GRANTING THE WAIVER AND VARIANCE REQUESTS FROM THE PROVISION OF SECTIONS 94-77(A)(3), 94-312(1)(A), 94-312(2)(A), 94-443(C)(3)(A), 94-443(C)(3)(C), 94-443(D)(2)(A), 94-486, OF THE CITY OF WEST PALM BEACH, FLORIDA ZONING AND LAND DEVELOPMENT REGULATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 37-24 based on the findings that the project, subject to the conditions set forth in the Resolution, complies with the Interim Standards established by Resolution No. 306-22.

Background Information:

The subject property, which is comprised of one (1) parcel, is approximately 6.51 acres.

The proposed development includes an eight-story multifamily residential building with 358 units, and two (2) one-story commercial buildings (totaling 19,213 square feet), which includes a 15,213 square foot grocer.

The applicant is seeking approval of the Special Site Plan Review and waivers requested to allow for the proposed development on the subject property pursuant to Resolution No. 306-22. Subsequent to approval of the waivers by the City Commission, staff will review and approve the final site plan.

The waivers requested by the applicant include:

- To allow for a reduction in the minimum required side and rear setback setbacks. Reduction from the Northern property line from 46'10" to 22' (53% reduction), Southern property line from 46'10" to 31' 2" (33% reduction) and Western property line from 46'10" to 43' 10" (6% reduction). [Section 94-77(a)(3)]
- An increase in the maximum number of access points allowed from two (2) to three (3). [Section 94-312]
- A reduction in the minimum required separation distance between access points from 125' to 86' 2". [Section 94-312 (2)(a)]
- To allow a reduction in the minimum dimensions for a terminal island from 18' to 14'. [Section 94-443 (c)(3)(a)]
- To allow for the elimination of the required divider median. [Section 94-443(c)(3)(c)]

- To allow for a reduction in the minimum number of trees required for multifamily residential uses from 358 to 260. [Section 94-4439(d)(2)(a)]
- To allow for a reduction in the minimum required number of residential parking spaces from 612 to 598 spaces. [Section 94-486]

The subject property is located north of the South Florida Water Management District Canal and west of South Dixie Highway. 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 approved RPD was never completed, and the now vacant lot was acquired by the City of West Palm Beach on November 2012 for \$2.85 million.

There was little movement on use of the lot until internal discussion regarding the development of the property started in 2020, and a significant amount of public outreach began shortly thereafter. Based on stakeholder feedback, an Invitation to Negotiate (ITN) was issued in December 2020. At the time of issuance of the ITN, the subject property was zoned 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 workforce housing, which was identified as a City priority, 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 Future Land Use (FLU) Amendment, Rezoning, and a Formal Site Plan review.

A request was made by the applicant for a 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 20-units per acre. However, under Resolution No. 306-22, the applicant would be allowed to build at a maximum density of 64-units per acre.

On December 19, 2023, the Planning Board voted 6-0 for a recommendation of approval of the requests involving the FLU Map Amendment and rezoning of the subject property. The proposed development included an eight-story apartment building (408,364 square feet), restaurant building (5,406 square feet), and retail building (11,491 square feet). Following the Planning Board meeting, the applicant was able to secure a grocer for the site, after which modifications were made to the development project proposal to change the northeast retail building to a 15,213 square feet grocer building. The restaurant building was changed to a 4,000 square foot commercial space, and the apartment building increased to 382,885 square feet. Following these changes, the waiver requests were modified to include Section 94-443(c)(3)(a) and Section 94-443(c)(3)(c), as well as changes to Section 94-77(a)(3), Section 94-4439(d)(2)(a), and Section 94-486. The most recent changes to the waiver requests are reflected in the list that was previously mentioned.

STANDARDS

Staff has found the requested special site plan review complies with the interim standards as established in Section 4 of Resolution No. 306-22.

NOTICES

Pursuant to the requirements of Sections 94-39(i)(5) and 94-39(j) of the City's Code of Ordinances, individual notices were mailed to property owners within 500 feet of the subject property, the site was posted, and the resolution was advertised in the Palm Beach Post. To date, the City has not received any inquiry regarding the general nature of this request.

Commission District 5: Commissioner Christina Lambert.

- 10.3. Public Hearing and Second 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 Second 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, 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 sq. ft. 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.

- 10.4. Resolution No. 26-24: A special site plan review request by Matt Wojciechowski of Schmidt Nichols, on behalf of 1551 Forum Place, LLC, to allow for a multifamily residential development consisting of a total of 238 residential units of which 60 are workforce units and variance and waiver requests from the City's Zoning and Land Development Regulations.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 26-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SPECIAL SITE PLAN REVIEW OF THE DEVELOPMENT PROPOSAL CONSISTING OF 238 MULTIFAMILY RESIDENTIAL UNITS, WHICH INCLUDES WORKFORCE HOUSING UNITS, ON THE SUBJECT PROPERTY LOCATED AT 1551 FORUM PLACE; GRANTING THE WAIVER AND VARIANCE REQUESTS FROM THE PROVISION OF SECTIONS 94-486, 94-443(D), 94-77(A), 94-312(2) OF THE CITY OF WEST PALM BEACH, FLORIDA ZONING AND LAND DEVELOPMENT REGULATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 26-24 based on the findings that the project, subject to the conditions set forth in the resolution, complies with the Interim Standards established by Resolution No. 306-22.

Background Information:

The subject site is approximately 3.74 acres located within an Office Commercial (OC) zoning district at the terminus of Forum Place, west of Lake Mangonia. The subject site is comprised of one (1) parcel that is currently developed with office buildings.

Specifically, the proposed development includes an eight-story mid-rise multifamily residential building with 238 dwelling units, of which 60 are designated affordable residential units.

Additionally, the applicant requests the following variances and waiver:

- A reduction in the minimum number of required flowering trees per

dwelling unit from 178 trees to 95 (Section 94-443(d)(2)(a)).

- A reduction in the required building setback on the southern property line from 43 feet to 26 feet and 9 inches (Section 94-77(3)).
- A reduction in the minimum distance separation between access points on the northern property line from 125 feet to 60 feet and on the southwesterly property line to 15 feet (Section 94-312(2)(a)).
- A reduction in the minimum number of required parking spaces for the proposed use from 457 spaces to 393 (Section 94-486).

Although the development proposal introduces a residential type use within the subject area, staff finds the proposed development will be compatible with the existing uses and character of the surrounding area. It is staff's professional opinion that the requests comply with the interim standards established by Resolution No. 306-22 and the applicable standards of the City's Code of Ordinances. Therefore, staff is recommending approval of the requests, subject to the proposed conditions, as identified in the staff report and Resolution No. 26-24.

STANDARDS

Staff finds the requested special site plan review complies with the interim standards as established in Section 4 of Resolution No. 306-22.

PLANNING BOARD

The subject project also involves 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).

After a Public Hearing on November 21, 2023, the Planning Board recommended approval (6-0) of the Future Land Use Map Amendment (FLUMA) and Rezoning.

NOTICES

Pursuant to the requirements of Sections 94-39(i)(5) and 94-39(j) of the City's Code of Ordinances, individual notices were mailed to property owners within 500 feet of the subject property, the site was posted, and

the resolution was advertised in the Palm Beach Post. To date, the City has not received any inquiry regarding the general nature of this request.

Commission District 3: Commissioner Christy Fox.

- 10.5. Resolution No. 38-24: A request by Nour Darwish of Schmidt Nichols, on behalf of Scuba Club WPB, LLC for a Major Amendment to the Alba Residences Residential Planned Development (RPD), with waivers from the City's Zoning and Land Development Regulations, to allow for changes to the approved site plan and to construct a dock greater than 100 feet in length.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 38-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE ALBA RESIDENTIAL PLANNED DEVELOPMENT, TO ALLOW FOR THE CONSTRUCTION OF A 222 FOOT LONG DOCK LOCATED AT 4708-4714 NORTH FLAGLER DRIVE; GRANTING WAIVERS TO THE CITY'S ZONING AND LAND DEVELOPMENT REGULATIONS; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 38-24 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 94-32, 94-36 (e)(3), 36(e)(4), 36 (e)(5), and with approval of the waiver 94-313 (a)(3) of the City's Zoning and Land Development Regulations.

Background Information:

The subject property is located on the east side of North Flagler Drive, and is the former location of The Scuba Club. The cumulative acreage of the subject property is ±1.73 acres. The vacant lot is comprised of one (1) parcel (1.73 acres) and includes submerged land (0.51 acres) that was deeded from the State of Florida.

The subject property was previously approved for the construction of a 28-unit multifamily development project, which never came to fruition. However, entitlements continue to be valid due to development order extensions in accordance with Florida Statutes. Under new ownership, the project was re-evaluated, and a 21-story residential development was proposed.

On January 10, 2022, the City Commission adopted Ordinance No. 4927-22 to rezone the subject property from Multifamily High Density (MF32) Residential zoning to Alba Residences Residential Planned Development (RPD). Following the adoption of Ordinance No. 4927-22 on January 24, 2022, the City Commission approved Resolution No. 2-22 for a RPD to construct a 55-unit development, which is 235 feet in height. The approved resolution included waivers from the City's Zoning and Land Development

Regulations (ZLDRs).

According to the applicant's Justification Statement, the owner of the property Scuba Club WPB LLC, is requesting a Major Amendment to the RPD. The request includes the following (excluding Waivers 1, 2 and 3, which were previously approved):

- Construction of a 222-foot long private dock with eight (8) slips along with a waiver for the dock length.
- Waiver for the encroachment of mechanical equipment into the setbacks.
- Reduction in the minimum required distance between access points.
- Reduction of landscape buffer requirements along property frontages.

WAIVER	ULDC SECTION	REQUIRED	PROVIDED	WAIVER REQUEST
W4	Sec. 94-312(2)(a)	125 feet between access points	71.8 feet	53.2 feet
	Separation of Access Points			
W5	Sec. 94-313(a)(3)(i)	100 feet max	222 feet	122 feet
	Dock Length			
W6	Sec. 94-305(b)(4)	Side Setback 16 feet	15 feet in northern/side setback	1 foot
	Mechanical equipment may not project more than 4 feet into a required setback	Setbacks	Front Setback 21 feet	21 feet
W7	94-443(d)(1)	109 feet	74 feet	35 feet
	Landscape Buffer			

The Planning Board recommended approval with conditions (6-0) 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. The request does comply with the standards for the Planned Development Major Amendment. On December 11, 2023, Resolution No. 325-23 was approved by the City Commission for a minor subdivision (replat) to create the plat entitled "Alba Residences".

NOTICES

Pursuant to the requirements of Sections 94-39(i)(5) and 94-39(j) of the City's Code of Ordinances, individual notices were mailed to property owners within 500 feet of the subject property, the site was posted, and the resolution was advertised in the Palm Beach Post. To date, the City has not received any inquiry regarding the general nature

of this request.

Commission District 1: Commissioner Cathleen Ward.

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- 8:37 P.M.

*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.