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

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

**City of West Palm Beach  
City Commission  
Agenda  
Monday, April 29, 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. PROCLAMATION

- 6.1. Proclaiming Wednesday, May 15, 2024 as: Peace Officer's Memorial Day; and May 12-18, 2024 as: West Palm Beach Police Week. Proclamation to be accepted by: Major Myers and Officer Munoz, representing the WPB Fraternal Order of Police (FOP); Officer Buxton, representing the Planning Committee for the Police Memorial Officer Tran; Officer Haberkorn, representing the WPBPD Honor Guard; Susan Edwards and Amy Hudson, surviving wife and daughter of WPBPD Fallen Officer Robert D. Edwards.

**Originating Department:**  
Mayor's Office

## 7. PRESENTATIONS

- 7.1. Presentation of awards for the inaugural, season-long West Palm Beach GreenMarket Master Chef Showcase.

**Originating Department:**  
Parks and Recreation

**Background Information:**

April 20, 2024 marked the conclusion of a remarkably successful 29th season of the West Palm Beach GreenMarket. An average of 10,000 residents and visitors each Saturday enjoyed the West Palm Beach GreenMarket, which is the three-time winner of the USA Today's 10 best competition for the "Best Farmers Market in the Country." A total of 125 juried vendors offered the finest fresh produce, plants, cheeses, meats, seafood, poultry, gourmet foods, and café selections.

The West Palm Beach GreenMarket had much to celebrate this year starting with this year's theme, "Here We Grow Again," which was a nod to the Market's year-over-year growth and expanded offerings, including two times the musical entertainment, more weekly workshops, and a new and exciting Master Chef Showcase competition. Popular from the start, the weekly workshops registered patrons to learn onsite how to arrange flowers, pair wine and cheese, tricks for making salsa, caring for orchids, and even how to be creative with infused salts. In addition to two (2) entertainment locations, Rhythm and Hues offered free kids' activities each week.

The Master Chef Showcase debuted on Opening Day and was held on the first Saturday of each month through April. October through January, three (3) different West Palm Beach GreenMarket vendor chefs and/or chefs from Palm Beach County catering companies competed for the semi-finals to be named the West Palm Beach GreenMarket 2024 Master

Chef. The competitors were provided with the cuisine, protein, cooking elements, and tableware. They had 45 minutes to prepare sample-size dishes of their creations for judges in front of a live audience. The competition provided wonderful cooking education and entertainment for the overflowing crowd of observers.

Six (6) months of competition boiled down to former West Palm Beach GreenMarket vendor, Chef Joey Leuze, Executive Chef and Owner of Palm Beach Catering versus Chef de Cuisine Eddy Zapil of Fern Street Kitchen, owned by GreenMarket vendor, Ranchers Reserve. At the competition culmination, the two (2) chefs were given free rein to prepare the cuisine of their choice. The points were close but the declared winner of the 2024 West Palm Beach GreenMarket Master Chef Showcase is Chef Joey Leuze, Executive Chef and Owner of Palm Beach Catering.

Special thanks to the sponsors for the 2023/2024 West Palm Beach GreenMarket season, which included:

- Joe DiMaggio Children's Health Specialty Center
- Land Rover Palm Beach
- Paradise Exteriors
- NextHome Real Estate Executives
- Humana, Palm Beach County Supervisor of Elections
- Nordic Tree Water
- NW Mutual - McKernan Financial Group
- WPB Magazine
- West Palm Beach Community Redevelopment Agency
- WPB Food Tours
- The Palm Beach Post
- SUNNY 107.9
- New Country 103.1
- WPBF 25 News

Everyone looks forward to the start of the 30th Season of the market on Saturday, October 5, 2024, which will once again feature superior waterfront shopping, entertainment, and community camaraderie.

Commission District 3: Commissioner Christy Fox.

- 7.2. Legislative update by Senator Bobby Powell, Jr. and State Representative Jervonte Edmonds.

**Originating Department:**  
Mayor's Office

## 8. 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.

- 8.1. Resolution No. 78-24 approving the conveyance of water utility facilities serving Royal Poinciana Plaza to RPP Palm Beach Property LP, finding such conveyance to be in compliance with Utility Bond Covenants, and approving a Conveyance Agreement.

**Originating Department:**

Public Utilities

**Ordinance/Resolution:**

RESOLUTION NO. 78-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE CONVEYANCE OF WATER UTILITY FACILITIES SERVING ROYAL POINCIANA PLAZA TO RPP PALM BEACH PROPERTY LP; FINDING SUCH CONVEYANCE TO BE IN COMPLIANCE WITH UTILITY BOND COVENANTS; APPROVING A CONVEYANCE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

RPP Palm Beach Property LP is the owner of the Royal Poinciana Plaza located at 340 Royal Poinciana Way in the Town of Palm Beach, Florida. The owner is improving and redeveloping the Playhouse building and performing other work at Royal Poinciana Plaza.

The City provides water services to the Town and is the owner of the water utility facilities that serve the Town of Palm Beach, including the Royal Poinciana Plaza.

Within the Royal Poinciana Plaza are certain City water mains located in the parking lot, passing under decorative fountains and pools, under a building, and under landscaped areas that serve only the Royal Poinciana Plaza.

The City desires to convey and the Owner desires to accept ownership of all water mains and utility facilities located within Royal Poinciana Plaza, and to the extent that the City is conveying system facilities under this Agreement, the City has met all requirements for the disposal of system facilities under Section 715 of the City's Resolution No. 240-93.

Resolution No. 78-24 approves the conveyance of the water utility facilities located within Royal Poinciana Plaza to RPP Palm Beach Property LP.

**Fiscal Note:**

No fiscal impact.

- 8.2. Resolution No. 96-24 authorizing the assessment of City liens in the total amount of \$29,895.74 for unpaid water service, sewer service, and storm water charges for the month of February 2024.

**Originating Department:**

City Attorney's Office

**Ordinance/Resolution:**

RESOLUTION NO. 96-24: 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 STORM WATER SERVICE CHARGES FOR THE MONTH OF FEBRUARY 2024; 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:**

The City imposes liens on private real property for delinquent payments due for utility services.

The liens to be assessed by Resolution No. 96-24 are for unpaid water, sewer, and storm water service charges for the month of February 2024.

The list of properties to be assessed and the associated charges totaling \$29,895.74 are provided in Resolution No. 96-24 as Exhibit A - Utility Lien List - February 2024.

**Fiscal Note:**

No fiscal impact.

## 9. RESOLUTIONS

- 9.1. Resolution No. 99-24 approving an updated Building Improvement Grant for Sugaring Global LLC, in the amount of \$100,000 to make improvements at 2617 Division Avenue, West Palm Beach, Florida;

Resolution No. 100-24 approving a funding agreement between the West Palm Beach Community Redevelopment Agency and the City of West Palm Beach for the Building Improvement Grant for 2617 Division Avenue; and

Resolution No. 104-24(F) recognizing and appropriating a transfer from the Community Redevelopment Agency (CRA) to the General Fund to fund a building improvement grant.

**Originating Department:**

Mayor's Office

**Ordinance/Resolution:**

RESOLUTION NO. 99-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A BUILDING IMPROVEMENT GRANT FOR SUGARING GLOBAL, LLC, FOR IMPROVEMENTS AT 2617 DIVISION AVENUE; AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 100-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A FUNDING AGREEMENT BETWEEN THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY AND THE CITY OF WEST PALM BEACH FOR THE BUILDING IMPROVEMENT GRANT FOR 2617 DIVISION AVENUE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 104-24(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 A BUILDING IMPROVEMENT GRANT FOR SUGARING GLOBAL LLC; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 99-24, Resolution No. 100-24, and Resolution No. 104-24(F).

**Background Information:**

The City Commission has determined that providing economic incentives through Business Improvement Grants for renovation or improvement of commercial spaces encourages property owners/landlords and businesses to make significant, permanent modifications to existing buildings to increase the amount of quality commercial space, 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.

Sugaring Global made a capital investment of nearly \$1.4M into the subject property. The investment in this building has resulted in new

construction of a second floor, adding nearly 5,000 square feet of commercial space. In addition, the lower floor has been subdivided for workflow efficiency, and safety improvement were made throughout the building, greenery has been added to new terraces and facade enhancements improved the curb appeal of the property. The building is primarily used for warehouse logistics and manufacturing of sugar-based products, distributed for Sugaring Global LLC's health and wellness franchises. This development has increased the workforce by twenty-five (25) jobs.

The improvements to 2617 Division Avenue supports the strategic plan for Economic Development and CRA and accomplishes major goals including: (1.5) Attracting talent to West Palm Beach; (2.3) Incentive offerings tailored to (2.4.6) targeted industry activities i.e. Manufacturing; (3) Revitalization of the north end of West Palm Beach; and (4.2.2) Working with local businesses to create districts in Northwood Industrial Area.

By Resolution No. 41-23, the City Commission approved the grant. Now that the project is completed, the grant agreement has been amended to reflect the completion and approval of the revised agreement is requested. Companion item includes Resolution No. 24-21 and Resolution No. 24-22(F) on the CRA agenda.

Commission District 1: Commissioner Cathleen Ward.

**Fiscal Note:**

Approval of this item will recognize a transfer of funds in the amount of \$100,000 from the CRA for a building improvement grant.

- 9.2. Resolution No. 97-24 approving a mobility improvement assistance agreement for \$150,000 among WPB Mobility Coalition, Inc., the City of West Palm Beach, and the West Palm Beach Community Redevelopment Agency.

**Originating Department:**

Engineering

**Ordinance/Resolution:**

RESOLUTION NO. 97-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH APPROVING A MOBILITY IMPROVEMENT AGREEMENT AMONG THE CITY OF WEST PALM BEACH, THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY, AND THE WPB MOBILITY COALITION, INC.; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 97-24.

**Background Information:**

The West Palm Beach Mobility Coalition, or WPBgo, is a non-profit public private partnership of community leaders addressing the challenge of reduce traffic impacts and improving mobility to, from, within and around downtown West Palm Beach to enable economic growth, reduce communte times and make everyday life easier.

The Community Redevelopment Agency (CRA) Board approved \$100,000 in funding WPBgo in the 2024 fiscal year. The City of West Palm Beach is also funding the organization with an additional \$50,000. In return, WPBgo has a specific set of tasks and deliverables that are outlined in the funding agreement that are consistent with the CRA's Strategic Finance Plan. The mobility goals included in the funding agreement include:

1. Increase redevelopment capacity of Downtown West Palm Beach.
2. Increase redevelopment demand of Downtown West Palm Beach.

Outlined under these goals are tasks that are specific to the many sub-districts located in the CRA.

- Attract a mix of public and private funding to leverage the City and CRA investment for greatest impact.

Maintain an action-oriented public-private working group to further community mobility objectives in an effective, multilateral way that is consistent with the CRA's Strategic Finance Plan and the City's mobility plan. While WPBgo will not be responsible for goals outlined in these plans, WPBgo will be a partner by providing expertise, awareness promotion, and planning feedback that will aid the City and CRA in meeting the goals. Only those goals that are associated with mobility and transit in the Downtown City Center are listed below. CRA Strategic Finance Plan goals consistent with WPBgo's efforts to improve mobility include:

- Historic Northwest Target Area
  - Goal 3: Improve the neighborhood infrastructure and streetscapes.
  - Goal 6: Reduce the negative impacts of the Palm Beach Lakes Boulevard FEC Railroad overpass on adjacent neighborhoods.
- NORA / Brelsford Providencia Park



- Goal 1: Strategy 1: Support infrastructure and streetscape improvements needed to implement the NORA redevelopment plan.
- Clear Lake District
  - Goal 1: Extend Fern Street across the CSX railway to Australian Avenue.
  - Goal 2: Develop a state-of-the-art transportation hub around the Historic Seaboard Train Station.
  - Goal 3: Enhance the pedestrian and bicycle infrastructure with in the area.
  - Goal 4: Support transit-oriented development.
- Downtown Core Target Area
  - Goal 4: Enhance the public realm to provide a comfortable pedestrian realm.
  - Goal 6: Support the implementation of the (City of West Palm Beach) mobility plan.
- Okeechobee Corridor
  - Goal 1: Improve mobility and connectivity along Okeechobee Boulevard.
- Coordination with the Florida Atlantic University Engineering Research Center - Smart and Connected Streetscapes including, but not limited to:
  - Data Sharing
  - Community Engagement
  - System Development w/Researchers
- Review and assessment of street and transportation related items included in the CRA's strategic finance plan that will further the goals of WPBgo and the City's mobility plan.
- Prepare for and initiate a 20-) to 30-company pilot Transportation Demand Management (TDM) program to increase access to the City (as measured in volume of workforce, residence, and customers), which enhances the value of potential future developments in the area.

- Assist in oversight and effectiveness of the on-demand transportation system (currently operated by Circuit) using data driven methods and best practices to optimize the system for efficiency, cost effectiveness, and rider experience as measured by riders per hour, cost per rider, and customer wait times within service standards.
- Pilot a measurement tool to assess mode split and identify, through track traveler input, on methods to reduce car reliance, increase capacity for customers, residents, and workers within the Downtown City Center CRA district.
- Continue monthly action-oriented public-private working group.
- Complete at least a six (6) month 20- to 30-company pilot TDM program and report on results.
- Plan and prepare to initiate a full TDM program to serve all businesses (medium and large) within the CRA boundaries. Preparations should support a launch date for the full TDM program by Q1 FY25.

Resolution No. 97-24 approves the agreement among the City, CRA, and WPBGo.

This item is the companion item to the West Palm Beach CRA Resolution No. 24-20.

Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

\$100,000 is funded by companion Resolution No. 24-20 on the CRA agenda.

## 10. PUBLIC HEARING

- 10.1. Public Hearing and Second Reading of Ordinance No. 5094-24 amending the code of ordinances at Chapter 86 (Traffic and Parking) to add new definitions; amend the penalty provision; provide authority to the Mayor; to regulate construction management plans, parking permits for new developments and residences, and traffic calming; to abolish the Traffic Calming Advisory Committee; and to further regulate traffic calming.

**Originating Department:**

Mayor's Office

**Ordinance/Resolution:**

ORDINANCE NO. 5094-24: 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 86 (TRAFFIC AND PARKING) BY AMENDING ARTICLE I (IN GENERAL), SECTION 86-1 (DEFINITIONS) TO ADD NEW DEFINITIONS AND SECTION 86-7 (RIDING OF ROLLER SKATES, ROLLER BLADES, SKATEBOARDS, COASTERS, SCOOTERS AND OTHER SIMILAR DEVICES) TO IDENTIFY THE TYPE OF DEVICES BEING REGULATED AND AMEND THE PENALTY PROVISION; AMENDING ARTICLE IV (STOPPING, STANDING AND PARKING) AT SECTION 86-231 (PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS) TO PROVIDE AUTHORITY TO THE MAYOR; SECTION 86-246 (CONSTRUCTION MANAGEMENT PLAN) TO REGULATE CONSTRUCTION MANAGEMENT PLANS; SECTION 86-247, (PARKING FOR NEW DEVELOPMENTS; USERS OF NUMEROUS SPACES) TO ADDRESS METERED SPACES; AND ADDING NEW SECTIONS 86-248 (RESIDENTIAL PARKING PERMITS) TO PROVIDE FOR AND REGULATE RESIDENTIAL PARKING PERMITS; AND SECTION 86-249 (ISSUANCE OF RESIDENTIAL PARKING PERMITS) TO PROVIDE FOR AND REGULATE ISSUANCE OF RESIDENTIAL PARKING PERMITS; AMENDING ARTICLE V (TRAFFIC CALMING), DIVISION 1 (GENERALLY), SECTION 86-350, TO ADD ADDITIONAL CRITERIA; DELETING DIVISION 2 (TRAFFIC CALMING ADVISORY COMMITTEE); AMENDING DIVISION 3 (PROCESS), SECTION 86-374 (APPLICATION; REVIEW CYCLES) TO REGULATE APPLICATIONS; AMENDING SECTION 86-375 (PROCEDURE) AND SECTION 86-376 (REMOVAL OF TRAFFIC CALMING MEASURES) TO AMEND THE REVIEW AUTHORITY; AND AMENDING SECTION 86-377 (LANDSCAPING) REGARDING LANDSCAPING IN TRAFFIC CALMED AREAS; 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. 5094-24 on Second Reading.

**Background Information:**

Administration and staff from Parking, Engineering, and Development Services have been meeting with and gathering feedback from constituents concerned with increased demand for on-street parking within residential neighborhoods due to construction and commercial activities. Administration and staff from Engineering have also received feedback from the City Commission and constituents regarding increased traffic and the need for additional traffic calming measures.

Chapter 86 (Traffic and Parking) governs activities related to these concerns as such, staff is proposing changes to Chapter 86 to help manage some of the parking and traffic concerns and to clean up

outdated language within Chapter 86. Proposed changes include:

- Amending Section 86-246 to require a construction traffic management plan for projects with construction values in excess of \$2,000,000 or any construction project located within a single-family residential and/or historic district where multiple vehicles shall be parked within the City's right of way during construction. Amendment would limit the number of construction vehicles to no more than five (5) at any given time within single-family and/or historic neighborhoods. Upon issuance of three (3) violations, a stop work order shall be issued by the Building Official.
- Amendment of Section 86-248 designating a residential parking permit zone program and criteria for issuance of residential parking permits.
- Amending Section 9 to eliminate the Traffic Calming Advisory Committee and providing for updated language and deletion of provisions within Section 10, Section 11, and Section 12 to better manage traffic calming review, approval, and deployment.
- Amending violation and penalty language related to Section 86-7 to provide for higher administrative fees for violators.

Wording errors under Section 86-246 and 86-248 have been corrected for second reading.

**Fiscal Note:**

No fiscal impact.

- 10.2. Public Hearing and First Reading of Ordinance No. 5095-24 relating to the change of boundaries of the CityPlace Community Development District (District).

The above-referenced requests are being made by the Board of Supervisors of CityPlace Community Development District . The District is approximately 25 acres and is located within the CityPlace Commercial Planned Development.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 5095-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RELATING TO THE CHANGE OF BOUNDARIES OF THE CITYPLACE CDD; CHANGING THE BOUNDARIES OF THE DISTRICT; DESCRIBING THE REVISED BOUNDARIES OF THE DISTRICT;

PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5095-24.

**Background Information:**

The Downtown Uptown Community Development District (District) was created by the City of West Palm Beach, pursuant to Chapter 190, Florida Statutes, by Ordinance No. 2380-90 on March 26, 1990. A petition to amend the boundaries of the District in 2001 was approved by the City through the adoption of Ordinance No. 3396-01.

The Board of the District is requesting to change the boundaries of the District to exclude parcels, which have been developed for residential uses. The property to be excluded from the District consists of residential and commercial uses, and this request only excludes the residential uses that are located within the mixed-use building. Exclusion of this property will ensure that the residential landowners will not be assessed for the commercial facilities and services provided by the District.

Commission District 3: Commissioner Christy Fox.

- 10.3. Public Hearing and First Reading of Ordinance No. 5098-24 amending and restating the Code of Ordinances of the City of West Palm Beach, Chapter 58 "Parks and Recreational Facilities and amending Chapter 78 "Streets, Sidewalks and Public Places" Article XVI "Public Places", in sections 78-466 and 78-467.

**Originating Department:**

Parks and Recreation

**Ordinance/Resolution:**

ORDINANCE NO. 5098-24: 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 26, ARTICLE III "CITATION PROCEDURE", SECTION 26-66, TO ADD CHAPTER 58, ARTICLE III TO THE LIST OF CHAPTERS ENFORCEABLE BY CITATION; AMENDING CHAPTER 58 "PARKS AND RECREATIONAL FACILITIES", ARTICLE III "CONDUCT IN PARKS AND RECREATIONAL FACILITIES", BY AMENDING, RESTATING AND ADDING SECTIONS 58-81 THROUGH 58-91; AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 78 "STREETS, SIDEWALKS AND PUBLIC PLACES", ARTICLE XVI "PUBLIC PLACES", BY AMENDING SECTIONS 78-466 AND 78-467; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

**Staff Recommended Motion:**

Approve Ordinance No. 5098-24 on First Reading and schedule Second Reading for May 13, 2024.

**Background Information:**

During the Mayor/Commission Work Session held on March 11, 2024, staff presented proposed revisions for City Ordinance Chapter 58 - Parks and Recreation Facilities and Chapter 78- Streets, Sidewalks and Public Places.

Sections 58-81 through 58-91 proposed revision restate ordinances to provide a more user-friendly format, remove ordinances due to redundancy, and propose new ordinances.

**SECTION 58-81. CONDUCT IN PARKS, RECREATIONAL AREAS, AND PUBLIC PROPERTY**

Below are proposed additions of prohibited activities based on trends and issues currently occurring in parks and public spaces.

**(a) Prohibited activities.**

- Beaching a dinghy or other vessels in an area not designated for vessels.
- Using city water or city electricity when not authorized to do so.
- Tampering with or destroying a fire department connection or fire control equipment such as extinguishers.
- Hanging or otherwise placing laundry or any other items from trees, signs, or on other public property.
- Anchoring or mooring in an underwater lease area.
- Drones in parks and recreation areas.
- Leaving a vessel, dinghy, kayak, paddleboard, or other water transportation unattended in a park.
- Chaining or locking personal property to trees, seawalls, poles, signs, fences, or other structures prohibited except in designated areas.

**(c) Bicycles (including electric), golf carts, motorcycles and ATV's.**

These regulations originally only addressed bicycles but now include electric bicycles, golf carts, motorcycles, and ATV's.

**(e) Playgrounds and Splashpads.**

No person 18 years or older shall enter or remain in a designated playground or splash pad area unless that person is supervising or accompanying a child.

For prohibited activities, a definition of “public parks”, “recreation areas” and “public property”, outlined in Section 94-611 of the Code for “public place” has been provided, so all ordinances which apply to parks shall now be enforceable on public property. This would include areas like the Waterfront Great Lawn and others not specified as parks.

**SECTION 58-82. CITY DOCKS**

These regulations are not currently codified. By adding, they will provide a tool for the Police Department, Code Enforcement, and Parks and Recreation staff to protect the safety of the public and integrity of the docks.

- No vessel shall remain tied to a loading zone for over fifteen (15) minutes.
- Unattended vessels, dingy, or other watercraft at city docks or boat ramps may be removed and disposed of pursuant to city policy and federal, state, and local law.
- Chaining or otherwise locking bicycles, carts, or scooters anywhere on a city dock is prohibited. Such items shall be disposed of pursuant to city policy and federal, state, and local law.
- Use of city water or city electricity at city docks is prohibited.
- City docks are open from dawn to dusk and closed from dusk to dawn unless signage indicates otherwise.

NOTE: Ordinance 78-466 – Regulations of conduct in public places currently state city docks are open from 5:00 a.m. – 12:00 a.m. Staff is proposing as stated above: city docks are open from dawn to dusk and closed from dusk to dawn unless signage indicates otherwise. This will allow the city to set dock hours based on appropriate operational conditions. The Police and Parks and Recreation Departments recommend 7:00 a.m. – 11:00 p.m.

**SECTION 58-84. COMMERCIAL USE**

The proposed regulation would assist staff with enforcement.

No person shall operate a commercial business in a park, recreational area, city dock, or on public property without a permit from the city's parks and recreation department. This prohibition shall include the commercial offering of dog training, pickleball, tennis, or any other sport or physical activity.

SECTION 58-91. ENFORCEMENT

This language was restated and the method of enforcement and penalties was clarified.

- (a) Generally. This Chapter shall be enforced as set forth in City Code Section 1-13; Chapter 26, Code Enforcement, of this Code; Florida Statutes, Section 810.09; and Chapters 162 and 166 of the Florida Statutes.
- (b) Ejectment. The director of parks and recreation, park attendant, parks and recreation department personnel, or any law enforcement officer of the city shall have the authority to eject from a park or public property any person acting in violation of this article and is an authorized person pursuant to F.S. § 810.09, to ask an owner, operator, or occupant of a boat in violation of the city code to leave city property.

**Fiscal Note:**

No fiscal impact.

- 10.4. Public Hearing and First Reading of Ordinance No. 5100-24 authorizing the execution of a Lease Agreement between the City of West Palm Beach and the Boys and Girls Clubs of Palm Beach County, Inc. for the Florence De Georges Boys and Girls Club located at 4105 Pinewood Avenue.

**Originating Department:**

Parks and Recreation

**Ordinance/Resolution:**

ORDINANCE NO. 5100-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, CONTINUING TO FIND THE PROPERTY AT 4105 PINWOOD AVENUE NOT NEEDED FOR CITY PURPOSES; APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE BOYS AND GIRLS CLUBS OF PALM BEACH COUNTY, INC., FOR THE FLORENCE DE GEORGES BOYS AND GIRLS CLUB LOCATED AT 4105 PINWOOD AVENUE; AUTHORIZING EXPANSION OF THE LEASE AREA; APPROVING EXECUTION OF THE LEASE AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THESE PURPOSES;



PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5100-24.

Section 2-31(27) of the Code of Ordinance requires approval of a lease of City property with a term of more than 5 years to be by ordinance approved by four-fifths of the membership of the City Commission at First or Second Reading.

Second Reading of Ordinance No. 5100-24 will be scheduled for May 13, 2024.

**Background Information:**

The Boys and Girls Clubs of Palm Beach County (BGC) is the largest non-for-profit in the county serving our young people, and has seventeen (17) locations serving more than 10,000 youth between the ages of 6 and 18.

In 1999, the Boys and Girls Clubs executed a lease with the City of West Palm Beach (the "1999 Lease") for the property at 4105 Pinewood Avenue (the "Property"), known as the Florence De Georges Boys and Girls Club, which has served the youth in the community. The 1999 Lease will expire this year.

The Boys and Girls Clubs desire to continue to lease the Property to continue to provide services in the community, and desires to expand the lease area, which will allow the Boys and Girls Club to provide additional services.

The significant terms of the Lease include the following:

WPB RESIDENT PREFERENCE

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

LEASE TERM

A lease term of twenty-five (25) years with a renewal option for two (2) additional terms of ten (10) years each.

RENT

Annual rent of \$100 per year.

LEASE AREA

The lease area will be expanded to include the two (2) City-owned parcels between the Club and Pinewood Park to the South and will incorporate the following three (3) parcels:

4105 Pinewood Avenue, West Palm Beach, FL  
(Existing leased parcel)  
PCN # 74-43-43-04-05-032-0130

4017 Pinewood Avenue, West Palm Beach, FL  
PCN # 74-43-43-09-05-055-0200

3923 Pinewood Avenue, West Palm Beach, FL  
PCN # 74-43-43-09-05-055-0190

MAINTENANCE

The Boys & Girls Club will be responsible for all operating and maintenance costs for the Club facilities, including the HVAC, plumbing, electrical, fire sprinklers, alarm and other building systems, building-mounted lighting, and building-mounted signage. BGC will be responsible for sod and landscape replacement for the Recreational Field located North of the Club, when required.

The City will maintain the splash pad, any non-building mounted exterior lighting, non-building mounted signage, and the irrigation system. City will provide landscape services, including mowing and trimming for the sod and landscaping for the Recreational Field located North of the Club.

Section 2-31(27)(c) of the Code Ordinances eliminates the requirement for appraisal of the property to be leased if the lessee is a bona fide not-for-profit 501(c)(3) corporation. Accordingly, appraisals were not required for this transaction. Section 2-31(27) of the Code Ordinance provides for approval of a lease of City property by ordinance approved by four-fifths of the membership of the City Commission.

Ordinance No. 5100-24 approves the new lease for the Florence De Georges Boys and Girls Club at 4105 Pinewood Avenue.

Commission District 1: Commissioner Cathleen Ward.

**Fiscal Note:**

No fiscal impact.

- 10.5. Public Hearing and First Reading of Ordinance No. 5099-24 authorizing the execution of a Lease Agreement between the City of West Palm Beach and the Boys and Girls Clubs of Palm Beach County, Inc. for a new club to be constructed in Dreher Park and approving the concept plan.

**Originating Department:**

Parks and Recreation

**Ordinance/Resolution:**

ORDINANCE NO. 5099-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE BOYS AND GIRLS CLUBS OF PALM BEACH COUNTY, INC. FOR THE LOCATION OF A CLUB IN DREHER PARK; AUTHORIZING EXECUTION OF THE LEASE AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THESE PURPOSES; APPROVING THE CONCEPT PLAN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5099-24.

Section 2-31(27) of the Code Ordinance requires approval of a lease of City property for a term of more than five years to be by ordinance approved by four-fifths of the membership of the City Commission at either First or Second Reading.

Second Reading of Ordinance No. 5099-24 will be scheduled for May 13, 2024.

**Background Information:**

The Boys & Girls Club of Palm Beach County (BGC) is the largest non-for-profit in the county serving our young people, and has seventeen (17) locations serving more than 10,000 youth between the ages of 6 and 18.

The Boys & Girls Club has identified a greater need for service for youth living within the City's District 5, in which Dreher Park is located. The Boys & Girls Club is conducting a fund-raising campaign for a District 5 Club, and has raised \$10 million.

The Boys & Girls Club proposed construction of a 25,000 square foot, state-of-the-art Club in District 5, conveniently located in Dreher Park along Southern Boulevard pursuant to a ground lease with the City of West Palm Beach. The major components of the Club will be a teen center, educational/study labs, gymnasium, and multi-purpose areas.

The Club will provide academic support by certified teachers; mental health programs to address childhood trauma; hunger relief; and career readiness programming for teens.

The Cox Science Center and Aquarium and the Palm Beach Zoo support the location of a Club on the North end of Dreher Park.

By Resolution No. 103-23, the City Commission declared a portion of Dreher Park as surplus and directed the negotiation of the terms of a ground lease with the Boys & Girls Club. The Parks and Recreation Advisory Committee voted to recommend approval of the proposed material terms. By Resolution No. 303-23, the City Commission approved a Term Sheet for a Dreher Park lease.

The significant terms of the Lease include the following:

#### CLUB FACILITIES

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

#### ADDITIONAL IMPROVEMENTS

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

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

#### WPB RESIDENT PREFERENCE

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

#### LEASE TERM

A lease term of thirty (30) years with a renewal option for an additional two (2) terms of ten (10) years each.

### RENT

Annual rent of \$100 per year.

### CONSTRUCTION TIMELINE

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

### SMALL BUSINESS / MWBE PARTICIPATION

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

### LOCAL WORKFORCE

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

### MAINTENANCE

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

### NAMING RIGHTS

The Boys & Girls Club will be permitted to place the name of up to 4 significant donors on exterior Club facilities.

Section 2-31(27)(c) of the Code Ordinances eliminates the requirement for appraisal of the property to be leased if the lessee is a bona fide not-for-profit 501(c)(3) corporation. Accordingly, appraisals were not required for this transaction. Section 2-31(27) of the Code Ordinance provides for approval of a lease of City property by ordinance approved by four-fifths of the membership of the City Commission.

Ordinance No. 5099-24 approves the lease for construction of a Boys and Girls Club in a portion of Dreher Park and approves the concept plan presented.

Commission District 5: Commissioner Christina Lambert.

**Fiscal Note:**

No fiscal impact.

**11. PUBLIC HEARING - QUASI-JUDICIAL**

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

- 11.1. Public Hearing and First Reading of Ordinance No. 5097-24 regarding a rezoning of ±1.65 acres located at 1150 Southern Boulevard from Recreation and Open Space (ROS) to a Recreation and Open Space Planned Development (ROSPD); and

Discussion of Resolution No 86-24 regarding the development regulations and conditions for the Recreation and Open Space Planned Development (ROSPD) and the granting of waivers from the Zoning and Land Development Regulations.

The above-referenced requests are being made by Roxann Read, of WGI, on behalf of the Boys and Girls Club of Palm Beach County to allow for the construction of two (2) buildings: an outdoor playground and an outdoor classroom.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 5097-24: 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 ±1.65 ACRES LOCATED WITHIN DREHER PARK AT 1150 SOUTHERN BOULEVARD FROM RECREATION AND OPEN SPACE (ROS) TO RECREATION AND OPEN SPACE PLANNED DEVELOPMENT (ROSPD) TO CREATE THE BOYS AND GIRLS CLUB RECREATION AND OPEN SPACE PLANNED DEVELOPMENT (ROSPD); PROVIDING FOR THE ESTABLISHMENT OF DEVELOPMENT REGULATIONS BY SEPARATE RESOLUTION; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REVISING THE ZONING MAP OF THE CITY ACCORDINGLY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 86-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ESTABLISHING THE DEVELOPMENT REGULATIONS, INCLUDING THE SITE AND LANDSCAPE PLANS AND BUILDING ELEVATIONS, FOR THE BOYS AND GIRLS CLUB RECREATION AND OPEN SPACE PLANNED DEVELOPMENT (ROSPD) LOCATED AT 1150 SOUTHERN BOULEVARD; GRANTING WAIVERS TO THE 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 Ordinance No. 5097-24 at First Reading (and schedule Second Reading for May 13, 2024) to change the zoning designation of ±1.65 acres located within Dreher Park at 1150 Southern Boulevard from Recreation and Open Space (ROS) to Recreation and Open Space Planned Development (ROSPD). This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board, and the findings that the request complies with the Comprehensive Plan and the standards in Sections 94-32, 94-35(c), 94-204 and 94-207 of the City's Zoning and Land Development Regulations.

Discuss Resolution No. 86-24.

**Background Information:**

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

The Boys and Girls Club, which was founded in 1971, is a not-for-profit youth development organization that promotes educational, vocational, health leadership, and character building of boys and girls in a safe environment. The Boys and Girls Club and the City of West Palm Beach entered into a long-term lease agreement of a portion of City-owned land within Dreher Park. This portion of the park consists of approximately 1.65 acres.

The applicant and the City have established a lease line area (1.65 acres), off-lease maintenance area (0.92 acres), and off-lease improvement area, which totals 5.76 acres. The project request includes rezoning the subject property from Recreation and Open Space (ROS) to Recreation and Open Space Planned Development (ROSPD) with waivers from the City of West Palm Beach Zoning and Land Development Regulations (ZLDRs) to allow for the construction of a 19,273 square foot office and daycare building, a 11,818 square foot gym, and an outdoor classroom.

To accommodate the proposed development, the applicant is requesting the following waivers (all of which are described and analyzed in the staff report):

**Waiver Requested: Sections 94-204 (7), 94-273 (11)(b)(2)(i) & 94-273 (11)(b)(2)(iii)**

**(TABLE SHOWN ON FOLLOWING PAGE)**

ZLDRs Sections	Minimum Required	Existing	Waiver Requested
94-204 (7) Private Uses	Class A Special Use Permit for private uses or structures within this district	<b>None</b>	<b>waiver from section</b>
94-273 (11)(b)(2)(i) Minimum Setback of Buildings	30 feet	<b>25 feet</b> (North, South & West Setback)	<b>5 feet</b>
		<b>14 feet</b> (East Setback)	<b>16 feet</b>
94-273 (11)(b)(2)(iii) Minimum Setback of Outdoor Activity Area	50 feet 50 feet	<b>30 feet</b>	<b>20 feet</b>

The purpose of rezoning the 1.65 acre lease area located at Dreher Park to a Recreation and Open Space Planned Development (ROSPD) is to allow for flexibility with the construction of the Boys and Girls Club development due to size constraints of the lease area. Subject to the granting of the waivers and the proposed conditions of approval, the project proposal complies with the City of West Palm Beach Zoning and Land Development Regulations. Planning staff, therefore, is recommending approval subject to the conditions contained in Resolution No. 86-24.

PLANNING BOARD

After a Public Hearing on February 21, 2024, the Planning Board recommended approval (5-0) of the requests.

PUBLIC NOTICE

Individual notices were mailed to all property owners within 500 feet of the property, and signs were posted on the subject property. A legal ad for Ordinance No. 5097-24 and Resolution No. 86-24 will be advertised in the Palm Beach Post prior to Second Reading.

Commission District 5: Commissioner Christina Lambert.



- 11.2. Public Hearing and First Reading of Ordinance No. 5096-24 regarding a rezoning to change the zoning designation of approximately ±11.02 acres located at 3801 Georgia Avenue from Multifamily High Density (MF-32) Residential to Residential Planned Development (RPD); and

Discussion of Resolution No. 70-24 regarding the development regulations and conditions for the Roseland Gardens Residential Planned Development (RPD), and granting of waivers to the Zoning and Land Development Regulations.

The above-referenced requests are being made by Josh Nichols of Schmidt Nichols, on behalf of West Palm Beach Housing Authority.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 5096-24: 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 BY REZONING ±11.02 ACRES LOCATED AT 3801 GEORGIA AVENUE FROM MULTIFAMILY HIGH DENSITY RESIDENTIAL TO RESIDENTIAL PLANNED DEVELOPMENT TO CREATE THE ROSELAND GARDENS RESIDENTIAL PLANNED DEVELOPMENT; PROVIDING FOR THE ESTABLISHMENT OF DEVELOPMENT REGULATIONS BY SEPARATE RESOLUTION; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REVISING THE ZONING MAP OF THE CITY ACCORDINGLY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 70-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ESTABLISHING THE DEVELOPMENT REGULATIONS, INCLUDING THE SITE AND LANDSCAPE PLANS AND BUILDING ELEVATIONS, FOR THE ROSELAND GARDENS RESIDENTIAL PLANNED DEVELOPMENT LOCATED AT 3801 GEORGIA AVENUE; GRANTING WAIVERS TO THE 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 Ordinance No. 5096-24 at First Reading (and schedule Second Reading for May 13, 2024) for a rezoning to change the Zoning designation of approximately ±11.02 acres located at 3801 Georgia Avenue from Multifamily High Density (MF32) Residential to Residential Planned Development (RPD). This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board, and the finding that the request complies with the

Comprehensive Plan and the standards in Section 94-32 of the City's Zoning and Land Development Regulations.

Discuss Resolution No. 70-24.

**Background Information:**

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

The subject property is comprised of one (1) parcel owned and managed by the West Palm Beach Housing Authority, with the address of 3801 Georgia Avenue, consisting of approximately ±11.02 acres. Specifically, the subject property is located on the east side of Georgia Avenue, north of Roseland Drive, west of Lake Avenue, and south of Southern Boulevard. The subject property has a double frontage along Southern Boulevard and Roseland Drive. The subject property contains an existing multifamily apartment complex and surface parking areas.

The new site layout that the applicant is proposing will support 355 multifamily residential development units and will consist of elderly and non-elderly housing units. This development will be completed in two (2) phases. To effectuate the plans and to allow the request of two (2) waivers from the City Zoning and Land Development Regulations (ZLDRs), an application was submitted to change the zoning designation of one (1) parcel from Multifamily High Density (MF32) to Residential Planned Development (RPD).

The applicant is requesting a parking waiver from Section 94-486 of the ZLDRs and a landscape waiver from Section 94-443 (d)(2)(a) of the ZLDRs (which both waivers are described and analyzed in the staff report). It is staff's professional opinion that with the finding that particular circumstances justify the parking reduction and landscape reduction, the proposed RPD complies with the City's Comprehensive Plan, and that the proposed development, with the waivers granted, will comply with the standards required by the ZLDRs. Planning staff, therefore, is recommending approval, subject to the conditions contained in Resolution No. 70-24.

PLANNING BOARD

After a Public Hearing on February 21, 2024, 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. 5096-24 and Resolution No. 70-24 were advertised in the Palm Beach

Post.

Commission District 5: Commissioner Christina Lambert.

- 11.3. Public Hearing of Resolution No. 9-24 regarding a request by Joyell Shaw on behalf of the School District of Palm Beach County for approval to abandon and vacate an approximately 0.21 acre (9,365 square foot) portion of two (2) streets known as Windsor Avenue and 16th Street.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 9-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, VACATING AND ABANDONING A 20-FOOT-WIDE STRIP OF LAND BEING A PORTION OF A STREET KNOWN AS WINDSOR AVENUE AND 16TH STREET; AUTHORIZING EXECUTION OF A DISCLAIMER OF INTEREST IN THE AFORESAID RIGHT-OF-WAY, UPON THE SATISFACTION OF CONDITIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 9-24.

The motion is based upon the factual testimony presented, the application submitted and the findings that the public welfare will be best served by approval of the request based on review and consideration of the criteria found in section 78-217 of the City's Code Ordinance.

**Background Information:**

The subject portion of the public right-of-way known as, Windsor Avenue and 16th Street is approximate 20-feet wide and located immediately south of 17th Street. A location map of the subject area is provided in EXHIBIT A. The abandonment of the subject alley is necessary for the petitioner to consolidate adjacent parcels of land for the redevelopment of Roosevelt High School.

Due to the current location and existing condition, the subject right-of-way has very little development potential or use to anyone other than the high school, as the properties are owned by the School Board of Palm Beach County, and the properties abut residential properties, which have frontage along 17th Street. The abandonment of the subject portion of the public right-of-way will not result in any negative impact to the surrounding area, since the right-of-way considered for abandonment is incorporated in the redevelopment proposal for the School District of Palm Beach County - Roosevelt High School project.

The existing FPL facilities within the subject right-of-way will be relocated

by the applicant as part of the School District's Roosevelt High School's redevelopment project and at the expense of the applicant, the School District. The City will reserve a utility easement over a portion of the abandoned section of Windsor Avenue.

An appraisal for the abandonment of the subject property was conducted in February of 2023, and the value of the property was \$61,400. Because this will be for public educational purposes that provides a public benefit, the City is not requiring payment for the abandonment.

### STANDARDS

Staff found that the requested abandonment complies with the abandonment criteria as established in Section 78-217 of the City's Code of Ordinances.

### NOTICES

Pursuant to the requirements of Section 78-215(b) of the City's Code of Ordinances and 94-39(j)(2), individual notices were mailed to property owners within 500 feet of the subject property. A sign was posted on March 27, 2024, and all owners of the land abutting the subject right-of-way have been noticed of the time and place of the public hearing, and the resolution, as advertised in the Palm Beach Post. To date, the City has not received any inquiry regarding the general nature of this request.

Resolution No. 9-24 authorizes the abandonment of portions of Windsor Avenue and 16th Street providing that the School Board provides an utility easement to the City for the relocated utilities.

Commission District 1: Commissioner Cathleen Ward.

- 11.4. Public Hearing of Resolution No. 90-24 regarding the approval of a Minor Subdivision to create the Icon Marina Plat consisting of one (1) development tract of approximately 5.09 acres located at 4334 North Flagler Drive.

The request was submitted by Jack Rice, Esq., of Gunster, on behalf of RD IMV Owner LLC.

**Originating Department:**  
Development Services

**Ordinance/Resolution:**  
RESOLUTION NO. 90-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE SUBDIVISION AND PLAT OF REAL PROPERTY TO CREATE THE PLAT ENTITLED "ICON MARINA PLAT" CONSISTING

OF APPROXIMATELY 5.09 ACRES, AND LOCATED AT 4334 NORTH FLAGLER DRIVE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 90-24 approving a Minor Subdivision to create the Icon Marina Plat consisting of one (1) development tract of approximately 5.09 acres located at 4334 North Flagler Drive.

This motion is based upon the factual testimony presented, the application submitted, the staff report, and the findings that the plat complies with all applicable provisions of Chapter 177, Florida Statutes and is consistent with the Comprehensive Plan and complies with the subdivision design standards set forth in Section 94-342 of the City's Zoning and Land Development Regulations.

**Background Information:**

On April 28, 2014, the City Commission approved Resolution No. 20-14, which added the property subject to this application to the Rybovich Commercial Marine Planned Development (CMPD) and rebranded the new project as: The Marina CMPD. In addition to establishing Design Guidelines to govern the development of the CMPD, Resolution No. 20-14 included requirements to be met at certain points in the development of the project. One of the requirements is that prior to the issuance of the Certificate of Occupancy for the Icon residential building, the property is to be platted. The Icon Marina Plat, included with Resolution No. 90-24, satisfies this development requirement. As future phases of the CMPD are redeveloped, they too will need to be platted.

As part of The Marina CMPD redevelopment, the applicant is required to provide a publicly accessible promenade along the eastern (Intracoastal) side of the property. Resolution No. 90-24 includes a condition that the public access easements must be recorded prior to the Icon Marina Plat being recorded so that the access easement recording information can be included on the recorded plat.

STANDARDS

The Planning Division has determined that the plat complies with the requirements of Chapter 177, Florida Statutes and the subdivision design standards set forth in Section 94-342 of the City's Zoning and Land Development Regulations.

PLANNING BOARD

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

## NOTICES

Individual notices were mailed to all property owners within 500 feet of 4334 North Flagler Drive, and a notice sign was posted on the property.

Commission District 1: Commissioner Cathleen Ward.

### **Fiscal Note:**

No fiscal impact.

## **12. 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.

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

## **14. 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.