



**City of West Palm Beach
City Commission**

**DRAFT
AGENDA**

**August 27, 2018
5:00 P.M.**

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, FLORIDA 33401, {(561) 822-1210}

**MAYOR
GERALDINE MUOIO**

CITY COMMISSION

PRESIDENT PAULA RYAN

**COMMISSIONER KELLY SHOAF
COMMISSIONER KEITH JAMES**

**COMMISSIONER CORY NEERING
COMMISSIONER CHRISTINA LAMBERT**

ADMINISTRATION

**CITY ADMINISTRATOR, JEFFREY L. GREEN
CITY ATTORNEY, KIMBERLY ROTHENBURG
CITY CLERK, HAZELINE CARSON**

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

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.

ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA:

CONSENT CALENDAR (1-10):

1. **Cancellation of the Regular City Commission Meeting of September 11, 2018.**
[Agenda Cover Memorandum No.: 22061](#)

Staff Recommended Motion:

Approve the Cancellation of the Regular City Commission Meeting scheduled for September 11, 2018.

Background:

Cancellation of a City Commission meeting is authorized pursuant to Chapter 2, Article II, Section 2.31(1) of the City Code, as follows: "By majority vote of a quorum of the City Commission taken at a regular meeting, a subsequent regular meeting may be canceled or the date or time thereof changed".

Fiscal Note:

No fiscal impact.

2. **Minutes of the Regular City Commission Meeting of August 13, 2018.**
[Agenda Cover Memorandum No.: 22075](#)

Staff Recommended Motion:

Approve the Minutes of the Regular City Commission Meeting held on August 13, 2018.

Fiscal Note:

No fiscal impact.

3. **Resolution No. 203-18 accepting a grant of \$120,000 from the Community Foundation of Palm Beach and Martin Counties to fund Phase 1 of the Gehl Studio Project; Dance Into the Sunset and approving an agreement with Gehl Studios to be funded by the grant; and Resolution No. 225-18(F) appropriating the grant funds.**

RESOLUTION NO. 203-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A GRANT FROM THE JOHN D. AND CATHERINE T. MACARTHUR FUND OF THE COMMUNITY FOUNDATION FOR PALM BEACH AND MARTIN COUNTIES, IN THE AMOUNT OF \$120,000 TO FUND PHASE 1 OF THE GEHL STUDIO PROJECT: DANCE INTO THE SUNSET; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 225-18(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 2017/2018 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GRANT PROGRAMS SPECIAL REVENUE FUND TO PROVIDE FOR THE RECEIPT OF A GRANT FROM THE COMMUNITY FOUNDATION OF PALM BEACH AND MARTIN COUNTIES; APPROPRIATING FUNDS TO GEHL STUDIO FOR PHASE 1 OF THE DANCE INTO THE SUNSET PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22062](#)

Staff Recommended Motion:

Approve Resolution No. 203-18 and Resolution No. 225-18(F).

Background:

The John D. and Catherine T. MacArthur Fund of the Community Foundation for Palm Beach and Martin Counties has awarded the City of West Palm Beach a grant in the amount of \$120,000 to be used toward funding Phase 1 of the Gehl Studio Project “Dance into the Sunset”.

The City desires to retain Gehl Studio to further develop the “Dance into the Sunset” pilot project originally conceived as part of Gehl’s public life planning. The objective of the project is to transform Rosemary Avenue, between Clematis Street and 8th Street, into a people-first street that builds stronger connections between the Historic Northwest neighborhood and Downtown. Phase 1 of the Project will be designed to be relatively low-cost, temporary programming and physical changes that can be quickly implemented to jumpstart the urban change process and learn what works and what doesn’t. This Phase will offer residents the opportunity to influence and experience change on the ground and respond to actual experiences instead of drawings and words, and participate in and feel ownership over the transformation of Rosemary Avenue.

Resolution No. 203-18 accepts the grant from the Community Foundation, authorizes the Mayor to sign the Grant Agreement, and approves the consulting services agreement with Gehl Studio for Phase 1 of the “Dance into the Sunset” project. Resolution No. 225-18 (F) appropriates the grant funds for the project.

Fiscal Note:

Approval will provide \$120,000 of grant funds for the Dance project.

4. **Resolution No. 252-18(F) amending the General Fund budget to correct appropriations in the Department of Housing and Community Development for Fiscal Year 2017/2018.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF FUNDS IN FISCAL YEAR 2017/2018 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 PROVIDE APPROPRIATIONS FROM CONTINGENCY FOR PERSONNEL EXPENSES NOT REIMBURSED BY HOUSING AND COMMUNITY DEVELOPMENT GRANT FUNDS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22063](#)

Staff Recommended Motion:

Approve Resolution No. 252-18(F).

Background:

The General Fund is being amended to provide necessary corrective actions to personnel appropriations in the Department of Housing and Community Development's budget for FY18. Due to minor inaccuracies entered into the budget preparation software, the Department's FY18 budget for personnel expenditures was deducted a total of \$470,000 ultimately resulting in deficits in the General Fund.

Fiscal Note:

Upon approval, \$470,000 will be added to the HCD budget in the General Fund and approximately \$921,786 will be available in General Fund Contingency.

5. **Resolution No. 254-18(F) accepting funding in the amount of \$1,300 from the Florida Humanities Council to provide programming associated with PBS's "The Great American Read" from September 1, through October 31, 2018.**

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 2017/2018 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GRANT PROGRAMS SPECIAL REVENUE FUND TO PROVIDE FOR THE RECEIPT OF A GRANT FROM THE FLORIDA HUMANITIES COUNCIL AND TO PROVIDE APPROPRIATIONS FOR PROGRAMMING ASSOCIATED WITH

PBS'S "THE GREAT AMERICAN READ"; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22064](#)

Staff Recommended Motion:

Approve Resolution No. 254-18(F).

Background:

PBS's The Great American Read is an eight-part television and online series designed to spark a national conversation about reading and the books that have inspired, moved, and shaped us. The series will engage audiences with a list of 100 diverse books. Through a grant from the Florida Humanities Council the Mandel Public Library of West Palm Beach will engage millennials in innovative programming designed around PBS's The Great American Read throughout the television series to celebrate reading and community. The Mandel Public Library of West Palm Beach plans to implement a 7-part program series with events each Wednesday evening following the Tuesday airings of "The Great American Read" on PBS. The library will partner with the local South Florida PBS station, WXEL/WPBT, who will have a representative present at each event to encourage patrons to vote in The Great American Read and provide photo booth supplies for attendees to take selfies and share their love of books on social media. Throughout the series, the library will hold voting for the city to choose its own favorite read from the PBS top 100 list. Each vote will count as an entry into a grand prize drawing for a Samsung tablet with access to the Library's digital collection. Patrons can vote in-person during library hours in ballot boxes placed at all public service desks. Grant funding will cover the following events at the library:

September 12 - Kick off the series with "Create a Book Bullet Journal." The library will air the launch episode of "The Great American Read" while participants will each get a free journal, using colorful pens to create their own Great American Read book-tracking journal.

September 19 - "Bookish Bingo" night with themed Bingo and prizes.

September 26 - Leslie Gray Streeter, a local pop culture writer from the Palm Beach Post, will discuss "The Great American Read" and her own upcoming book.

October 3 - Local trivia company Think & Drink Trivia will host a book-based trivia competition with prizes for the top 3 teams.

October 10 - a "DIY Recycled Book Crafts" night will be held, where a librarian will help participants create plant holders out of old books.

October 17 - a Book-to-Movie Marathon will show movie adaptations of "The Giver" and "Ready Player One."

October 23 - Pizza Party. West Palm Beach's favorite book will be announced, and the grand prize tablet winner will be drawn, with other activities such as a literary costume contest, photo booth, and games for attendees to enjoy.

Fiscal Note:

Approval will provide \$1,300 for the new grant program.

6. **Resolution No. 253-18 ratifying the submittal of a grant application to the Florida Department of Health for the Helping Emergency Responders Obtain Support Program which provides funding for emergency opioid antagonists.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RATIFYING THE SUBMITTAL OF A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF HEALTH FOR THE HELPING EMERGENCY RESPONDERS OBTAIN SUPPORT (HEROS) PROGRAM; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22074](#)

Staff Recommended Motion:

Approve Resolution No. 253-18.

Background:

The drug overdose death rate involving opioids has increased by 200% since 2000 and has now become the leading cause of accidental deaths in the United States. In response to the nationwide opioid epidemic, funding has been made available through the Florida Department of Health (DOH) for emergency opioid antagonists. DOH has established the HEROS Program for the purpose of acquiring emergency opioid antagonists for agencies that employ emergency responders. The purpose of the HEROS Program is to reduce the number of drug/opioid overdose-related deaths and adverse events by providing emergency responders with the appropriate pharmaceutical resources to address the opioid crisis.

In 2017, Palm Beach County had the highest number of overdoses in the state. As the increased use of heroin and opioids began taxing the emergency services of the City so did the impact on the medication budget of the West Palm Beach Fire Rescue EMS Division. A noted expenditure concerning the purchase of Narcan, used to combat the effects of ingested opioids, and other medical supplies used to treat the patient caused stress on the EMS budget where other items needed to maintain services were minimized in stock and usage and modified Medical Protocols were created to assist agencies involved in responding to and caring for those needing emergency services. The EMS Providers Group of Palm Beach County and providers throughout the state urged the Florida Department of Health to pursue grant funding from the state and federal level to help ease the financial burden on local agencies where unplanned expenditures for medications (Narcan) and supplies occurred.

The City of West Palm Beach, on behalf of its Fire Department, desires to request a grant in the amount of approximately \$20,000 from the Florida Department of Health. Due to grant deadlines, the City submitted its grant application requesting a grant in the amount of \$20,000, and is seeking ratification of such action.

Resolution No. 253-18 ratifies the submittal of the grant application.

7. **Resolution No. 246-18 authorizing the assessment of city liens in the total amount of \$32,000.79 for unpaid water service, sewer service, and stormwater service charges for the month of May 2018.**

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; 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.

[Agenda Cover Memorandum No.: 22077](#)

Staff Recommended Motion:

Approve Resolution No. 246-18.

Background:

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. 246-18 are for unpaid water service, sewer service, and stormwater service charges for the month of May, 2018. The list of properties to be assessed and the associated charges are attached to Resolution No. 246-18 as EXHIBIT A - Utility Lien List - May 2018. If not paid, these liens may be foreclosed by the City.

Fiscal Note:

No fiscal impact.

8. **Resolution No. 255-18 approving work authorization under the consulting agreement with Plante Moran for analysis related to the Development Services system to include an assessment for integration with the Oracle system.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A WORK AUTHORIZATION UNDER THE CONSULTING SERVICES AGREEMENT WITH PLANTE MORAN RELATED TO ANALYSIS FOR THE DEVELOPMENT SERVICES NEW SYSTEM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22078](#)

Staff Recommended Motion:

Approve Resolution No. 255-18.

Background:

The City and Plante Moran executed a Consulting Agreement for Consulting Services for Development Services Process Analysis and Software Replacement, dated August 31, 2017 (Contract No. 18983) (the "Agreement"). Pursuant to this Agreement, Plante Moran performed an analysis of the functions necessary for a new Development Services system and assisted the City in issuing a procurement solicitation for such new system and analyzing the proposals.

The IT Department has identified additional services necessary for successful implementation of the newly selected Development Services system. Such additional services include analysis of the City's Oracle Enterprise Resource Planning (ERP) environment to ensure a seamless integration with the new system, as the new Development Services system will not be fully functional unless it properly interfaces with the City's Oracle system.

The Agreement with Plante Moran provides for work authorization(s) to be issued, if needed, for additional services (Phase 5) necessary for implementation of the new Development Services system. The estimated fees for the additional services are approximately \$125,000. The IT Department desires to utilize Plante Moran for these services because, due to their original analysis, Plante Moran already has an understanding of how the new Development Services system will integrate with Oracle and can more efficiently perform the additional analysis to assist with timely implementation of the new system.

It is in the best interest of and best value to the City to utilize Plante Moran to perform the additional system analysis necessary to ensure proper integration of the new Development Services system with Oracle. As both the Development Services system and the Oracle system are broad systems which impact multiple departments and area of the City, and the additional analysis to be performed for Oracle integration could be broad in scope, pursuant to Section 66-64 of the City Code, waiver of any requirement for separate solicitation of the analysis services and approval of the Work Authorization by the City Commission is sought.

Approval of Resolution No. 255-18 authorizing the work authorization to the Agreement will authorize Plante Moran to identify recommendations for process/operational/system improvements necessary for proper functioning of the new Development Services system. Implementation of the recommendations made by Plante Moran will either be performed by the Information Technology Department, or procured in accordance with City requirements.

Fiscal Note:

Fully budgeted.

9. Resolution No. 249-18 approving economic incentives for 1905 S. Dixie Highway, LLC.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING ECONOMIC INCENTIVES FOR 1905 S. DIXIE HIGHWAY, LLC; AUTHORIZING THE EXECUTION OF A RELATED GRANT AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22079](#)

Staff Recommended Motion:

Approve Resolution No. 249-18.

Background:

1905 S. Dixie Highway is the location of a small business and part of an area growing cottage industry of design, antiques and culinary attractions. The property is currently the home of Shoppe 561, a local artisan retail store that also offers classes. The location is a contributing historic structure to the City. The property owner wanted to renovate the building and maintain the historic nature of the building while providing modern amenities. As a result, the economic development department worked with the property owner on a facade grant that bridges the gap between the costs of standard historic design and high-end amenities. The improvements are required to comply with the City's historic standards, as well as to upgrade the property for compliance with the Americans with Disabilities Act. The result was a beautiful facade meeting historic standards, large front windows, and ADA accessible door features.

The economic incentive that covers the gap for the higher end design is for \$16,500.00.

COMMISSION DISTRICT: The project is located in District 5 represented by Commissioner Christina Lambert.

Fiscal Note:

FY 2018 fully budgeted.

10. Resolution No. 259-18 amending the Guaranteed Maximum Price for Fire Station No. 4 for additional scope of work related to equipment and cabling for Countywide Fire/Rescue Communications system and other work, approving Amendment No. 5 to the contract with Hedrick Brothers Construction, and approving Change Order No. 1.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE GUARANTEED MAXIMUM PRICE FOR THE CONSTRUCTION-MANAGER-AT-RISK CONTRACT FOR FIRE STATION NO. 4 WITH HEDRICK BROTHERS CONSTRUCTION CO., INC. TO INCLUDE ADDITIONAL WORK; APPROVING AMENDMENT NO. 5 TO THE PRE-CONSTRUCTION AGREEMENT; APPROVING CHANGE

ORDER NO. 1; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22081](#)

Staff Recommended Motion:

Approve Resolution No. 259-18.

Background:

The City of West Palm Beach executed a Contract for Pre-Construction Services for Fire Station #4 with Hedrick Brothers Construction Co., Inc., dated December 11, 2015. The Guaranteed Maximum Price for the project, set forth in Amendment #3 to the Pre-Construction contract was approved by Resolution No. 124-17. The Construction Manager at Risk Contract for the construction of Fire Station No. 4 was executed on May 11, 2017.

During the negotiations of the Guaranteed Maximum Price (GMP) for the Contract with Hedrick Brothers for Fire Station No. 4, there were some scope items that were excluded, as they were not defined specifically in the original design or Contract Documents and were expected to be completed independently of the Contract with Hedrick Brothers. These items include the necessary IT cabling related to the Countywide Fire/Rescue Communications system equipment, cabling and racks for internet and TV capabilities.

The City entered into a contract with The Locution Systems, Inc. to furnish the Countywide Fire/Rescue Communications system equipment including the cabling, however, the installation of the transmitting antenna and cabling was not included in the Locution contract scope of work.

In order to keep the construction of Fire Station #4 on schedule, the City seeks to have Hedrick Brothers install the transmitting antenna and cabling related to the Countywide Fire/Rescue Communications system equipment, along with cabling and racks for internet and TV capabilities.

Additionally, the propane tank that is to be provided for the Fire Station independently of the Hedrick Brothers contract will not be installed before the site paving is complete and therefore Hedrick Brothers will be required to come back and pour the concrete over the area where the propane tank is installed.

Accordingly, a change order to the construction contract is required to add this additional work to the contract. The Contract time is also being adjusted to add 45 calendar days to accommodate the time needed to complete the work on the propane tank and the locution antenna. Because the contract contingency amount cannot cover the full additional cost of this additional work, an amendment to the GMP is required to add \$71,254.96.

Section 66-94 of the Procurement Code requires approval by the City Commission of all contracts for the construction of City buildings, including contract amendments and change orders.

Resolution No. 259-18 increases the GMP by \$71,254.96 to \$5,448,359.96; and approves Change Order #1, adding the additional work and extending the contract time by 45 calendar days.

Fiscal Note:

The funding for this Change Order is currently in the FY 2018 budgeted line item for Fire Station No. 4.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

PUBLIC HEARING (11-14):

- 11. Public Hearing of Ordinance No. 4810-18 declaring a temporary moratorium on the issuance of permits or other approvals related to mobility "micro hubs" for the sharing of bicycles, scooters and other personal transportation vehicles until regulations can be developed.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DECLARING, ESTABLISHING AND IMPOSING A TEMPORARY MORATORIUM WITHIN THE CITY OF WEST PALM BEACH ON THE SUBMITTAL AND PROCESSING OF APPLICATIONS, AND ISSUANCE OF ANY PERMITS OR FRANCHISES PERTAINING TO MOBILITY MICRO HUBS, INCLUDING BUT NOT LIMITED TO BICYCLE OR SCOOTER SHARING, FOR A PERIOD OF 180 DAYS, IN ORDER TO ALLOW AN OPPORTUNITY FOR THE CITY TO DEVELOP REGULATIONS FOR SUCH USES IN THE CITY RIGHTS OF WAY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22076](#)

Staff Recommended Motion:

Approve Ordinance No. 4810-18.

Background:

The recent adoption of the City's Mobility Plans has generated interest in the establishment of various transportation alternatives within the City of West Palm Beach, including the establishment of mobility "micro hubs" for the sharing of bicycles, scooters and/or other personal transportation vehicles.

City staff is aware of other cities within our nation where the safety and/or welfare of the public has been negatively impacted by the unregulated use of personal transportation vehicles, such as scooters and bicycles. The City wants to explore and encourage alternative means of transportation within the City to reduce automobile traffic and in accordance with the Mobility Plans. However, City staff desires to analyze the situations which has occurred in other cities and evaluate and make recommendations for regulations which will encourage mobility "micro hubs" for the sharing of bicycles, scooters and/or other personal transportation vehicles in the public right-of-way in a

manner which will better promote the safety and general welfare of the City, its residents and visitors.

Ordinance No. 4810-18 finds and declares a need to temporarily suspend the issuance of permits or approvals for mobility “micro hubs” for the sharing of bicycles, scooters and/or other personal transportation vehicles in the public right-of-way for 180 days to allow staff to develop regulations for such uses. Such regulations will be brought to the City Commission for its consideration.

Fiscal Note:

No fiscal impact.

12. Public Hearing of Resolution No. 236-18 approving the plat entitled “45th Street Industrial Properties.”

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SUBDIVISION OF REAL PROPERTY TO CREATE THE PLAT ENTITLED “45TH STREET INDUSTRIAL PROPERTIES,” CONSISTING OF TWO (2) SEPARATE TRACTS, AND CONTAINING A TOTAL OF APPROXIMATELY 3.45 ACRES, GENERALLY LOCATED ON THE SOUTH SIDE OF 45TH STREET AND WEST OF VILLAGE BOULEVARD; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22065](#)

Staff Recommended Motion:

Approve Resolution No. 236-18.

Background:

The subject property is approximately 3.45 acres and is comprised of two (2) separate parcels, located at 3114 and 3200 45th Street. Both properties are zoned for industrial use. The applicant is requesting approval of a Minor Subdivision in order to combine the existing properties and create two (2) new parcel configurations (Tract "A" and Tract "B") by way of a new plat. The proposed plat would allow the applicant the ability to expand its business, while maintaining the flexibility to sell off the “excess” portion of the subject property. The boundary survey of the property is provided in ATTACHMENT I and the proposed plat is provided in ATTACHMENT II.

STANDARDS: The proposed plat complies with all of the subdivision general design standards located in Section 94-342 of the Zoning and Land Development Regulations.

PLANNING BOARD: As a Minor Subdivision, the subject plat was not required to be reviewed by the City’s Planning Board.

PUBLIC NOTICE: Resolution No. 236-18 was advertised in the Palm Beach Post on August 17, 2018.

COMMISSION DISTRICT: The subject property is located within Commission District No. 2. – Commissioner Cory Neering.

13. Public Hearing of Resolution No. 257-18 establishing the rates for the Fire Service Assessment Fee for fiscal year 2018/2019 and approving the assessment roll.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ESTABLISHING THE RATES FOR THE FIRE SERVICE SPECIAL ASSESSMENT AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2018: APPROVING THE ASSESSMENT ROLL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22066](#)

Staff Recommended Motion:

Approve Resolution No. 257-18 providing that the fire service special assessment rates are increased.

Background:

Fire suppression, prevention and other fire services provide a special benefit to properties by protecting the value and integrity of improvements to real property and protecting the use and enjoyment of such property. The availability of comprehensive fire services reduces the cost of fire insurance and enhances the market perception and property values.

In 2008, the City Commission adopted Ordinance No. 4141-08, and Resolution Nos. 212-08 and 332-08, establishing an annual recurring Fire Services special assessment program for properties within the City, to fund the assessable costs of providing fire services, excluding Emergency Medical Services. The City Commission annually passes a resolution describing the services, facilities or programs to be funded, determining the cost to be assessed, establishing the assessment rates, and following all procedural requirements required by law and Ordinance No. 4141-08. By Resolution No. 201-18, the City Commission adopted the Preliminary Rate Resolution for 2018/19 which increases the fire assessment rates.

The proposed 2018 rate request is an increase of \$25 per residential property and ten cents or less per square foot for all other properties. Fire assessment rates have not increased since initially adopted in 2008. This increase is necessary to generate additional revenue of approximately \$2 million. It has been determined that an increase in the Fire Assessment rates (based on the existing rate structure and cost apportionment methodology) is necessary to help offset the increase in the operating costs of the Fire Department. Since 2013, an additional 40 firefighters have been added after the City received grant funds covering 75% of their salaries and benefits. Additional costs are anticipated in Fiscal Year 2018-19 due to additional calls from increased population, assuming the maintenance of the fire trucks and equipment, the acquisition of equipment,

hoses and apparatus for the new Fire Stations Nos. 4 and 8 under construction, and the costs for bunker gear, trucks, and fire station accommodations continue to increase.

The preliminary Assessment Roll was updated and made available for inspection by the public. Notice of this public hearing was published in the Palm Beach Post on August 6, 2018. Notices were also mailed to each affected property owner.

2017 RATES: RESIDENTIAL \$25

NON-RESIDENTIAL PROPERTY

Rate Per Building Square Foot	
Commercial	\$0.03
Industrial/Warehouse	\$0.01
Institutional	\$0.04
Nursing Home	\$0.10

2018 PROPOSED RATES: RESIDENTIAL \$50

NON-RESIDENTIAL PROPERTY

Rate Per Building Square Foot	
Commercial	\$0.06
Industrial/Warehouse	\$0.02
Institutional	\$0.08
Nursing Home	\$0.20

Fire assessment fees in other cities:

- Boca Raton: \$125
- Boynton Beach: \$120
- Coral Springs: \$180
- Hollywood: \$222
- Pompano Beach: \$163
- Tamarac: \$350
- Deerfield Beach: \$175
- Ft. Lauderdale: \$256
- Lake County: \$175

No Fire Services Assessment will be imposed upon Governmental Property. The City will buy down this exemption with non-assessment funds.

Institutional Property whose use is exempt from taxation under Florida law shall be assessed, but shall be required to pay only twenty percent of the Fire Services Assessment imposed against each parcel. The City will buy down this 80% exemption with non-assessment funds.

The Fire Service Special Assessment will be collected by the County Tax Collector through the property tax bill.

Resolution No. 257-18 approves the increased 2018/19 fire assessment rates.

Fiscal Note:

Fire Assessment Fee is fully budgeted for FY 2019.

14. **Public Hearing of Resolution No. 258-18 adopting the assessment roll for the Chronic Nuisance Assessment for fiscal year 2018/19 which includes properties with unpaid charges for the abatement of code violations and chronic nuisance.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RELATED TO THOSE NON-AD VALOREM ASSESSMENTS WHICH MAY BE LEVIED FOR THE COST OF PROVIDING LOT MOWING AND DEBRIS REMOVAL SERVICES, BOARDING AND SECURING OF VACANT OR UNSAFE STRUCTURES, DEMOLITION AND REMOVAL OF UNSAFE STRUCTURES, CALLS FOR SERVICE AND INSPECTIONS TO ELIMINATE NUISANCE CONDITIONS ON PRIVATE REAL PROPERTY, AND OTHER PROPERTY MAINTENANCE SERVICES TO ELIMINATE NUISANCE CONDITIONS ON PRIVATE REAL PROPERTY WITHIN THE INCORPORATED AREA OF THE CITY; APPROVING THE ASSESSMENT ROLL FOR FISCAL YEAR 2018-2019; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22080](#)

Staff Recommended Motion:

Approve Resolution No. 258-18.

Background:

In September 2011, the City of West Palm Beach adopted a series of new Ordinances intended to change the way the City deals with chronic nuisance properties and chronic nuisances in general. These ordinances were intended to recognize that the work that City staff provides to chronic nuisance properties is of direct benefit to the affected property. Through the adoption of Ordinance Nos. 4350-11, 4361-11, and 4362-11 the City Commission declared that any unpaid chronic nuisance service charges, unpaid Code Enforcement re-inspection assessment charges, or unpaid costs incurred for the abatement of code violations that remained delinquent and unpaid should become a special assessment against these properties as a non-ad valorem assessment equal in rank and dignity to a lien for ad valorem taxes.

In order to satisfy the statutory requirements for the implementation of special assessments contained in Section 197.3632 Florida Statutes, the City Commission also adopted Resolution No. 17-13, which declared the City's intent to utilize the uniform method of collecting these non-ad valorem assessments.

By Resolution No. 210-18, the City Commission directed the Finance Director to prepare an assessment roll for the chronic nuisance service assessments for fiscal year 2018/19, and set August 27, 2018 as the date for the public hearing to adopt a final assessment roll as required by statute. Written notification by first class mail was sent to each affected property owners advising of the total amount to be levied against each parcel of assessed real property; that failure to pay the assessment will cause a tax certificate to be issued against the property; that the property owners have a right to appear at the public hearing and to file written objections with the City Commission within twenty days of the date of the notice; and providing the date, time, and place of the public hearing. Notice of the assessment was also published in the Palm Beach Post.

Fiscal Note:

No fiscal impact, as revenue generated from the Chronic Nuisance Program is a reimbursement of expenditures incurred by the City to abate the nuisance.

**PUBLIC HEARING – QUASI-JUDICIAL (15-21):
DISCLOSURE OF EX PARTE COMMUNICATIONS, IF
ANY* SWEARING IN OF WITNESSES**

15. **Public Hearing and First Reading of Ordinance No. 4796-18: Regarding a Future Land Use (FLU) Map amendment to change the FLU designation of ±0.09 acres located at 1200 South Dixie Highway from Commercial East to Community Service; and**

Public Hearing and First Reading of Ordinance No. 4797-18: Regarding a rezoning to change the zoning designation of ±0.09 acres located at 1200 South Dixie Highway from General Commercial to Community Service, with a further rezoning to Community Service Planned Development; and

Public Hearing of Resolution No. 228-18: Regarding a Major Amendment to the Palm Beach Atlantic University Community Service Planned Development to expand the boundaries to include an additional ±0.09 acres located at 1200 South Dixie Highway and amend the Master Plan accordingly.

The above-referenced requests are being made by Joni Brinkman, of Urban Design Kilday Studios, on behalf of Palm Beach Atlantic University, Inc.

ORDINANCE NO. 4796-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF WEST PALM BEACH, FLORIDA, BY CHANGING THE FUTURE LAND USE DESIGNATION OF ±0.09 ACRES LOCATED AT 1200 SOUTH DIXIE HIGHWAY FROM COMMERCIAL EAST TO COMMUNITY SERVICE; DECLARING THE PROPOSED AMENDMENT TO THE FUTURE LAND USE MAP TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4797-18: 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 TO REZONE ±0.09 ACRES LOCATED AT 1200 SOUTH DIXIE HIGHWAY FROM GENERAL COMMERCIAL TO COMMUNITY SERVICE, WITH A FURTHER REZONING TO COMMUNITY SERVICE PLANNED DEVELOPMENT; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 228-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE PALM BEACH ATLANTIC UNIVERSITY COMMUNITY SERVICE PLANNED DEVELOPMENT (CSPD), GENERALLY LOCATED BETWEEN SOUTH DIXIE HIGHWAY AND SOUTH FLAGLER DRIVE, SOUTH OF OKEECHOBEE BOULEVARD, TO EXPAND THE BOUNDARIES OF THE CSPD TO INCLUDE AN ADDITIONAL ±0.09 ACRES LOCATED AT 1200 SOUTH DIXIE HIGHWAY; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22067](#)

Staff Recommended Motion:

APPROVE Ordinance No. 4796-18, changing the Future Land Use designation of ±0.09 acres located at 1200 South Dixie Highway from Commercial East to Community Service. 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 one of more of the standards found in Future Land Use Element Policy 1.1.5 of the City's Comprehensive Plan.

APPROVE Ordinance No. 4797-18, changing the zoning designation of ±0.09 acres located at 1200 South Dixie Highway from General Commercial (GC) to Community Service (CS), with a further rezoning to Community Service Planned Development (CSPD). 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.

DISCUSS Resolution No. 228-18, which will approve a Major Amendment to the Palm Beach Atlantic University Community Service Planned Development (CSPD) to include an additional ±0.09 acres located at 1200 South Dixie Highway and amend the Master Plan accordingly.

Background:

(The information provided below is a general summary. A full analysis is included in the Staff Report attached hereto as ATTACHMENT 1).

Located south of Okeechobee Boulevard, between South Dixie Highway and South Flagler Drive, Palm Beach Atlantic University (formerly Palm Beach Atlantic College) was founded in 1968 and housed in former facilities of First Baptist Church. One of the first Master Plans for the PBAU campus was approved in 1986, consisting of less than five (5) acres; the most recent Master Plan provides for a campus of over 20 acres. PBAU has grown to a student enrollment of over 2,200 traditional day students with additional evening adult students, master's students, online programs, etc.

Since the adoption of the current Master Plan, PBAU has continued to acquire property adjacent to its campus to accommodate some of its existing needs, as well as provide for future growth. Recently, PBAU submitted applications to incorporate three (3) properties (located on Acacia Road, South Olive Avenue, and South Flagler Drive) that were purchased in 2012, 2014 and 2017; these applications were approved by the City Commission on July 30, 2018. After submittal of these applications, PBAU purchased an additional parcel located at 1200 South Dixie Highway and is now requesting to incorporate it into the Master Plan as well. The property has been utilized as a decorating and paint store for many years, and PBAU is proposing to renovate the existing structure to provide for future classrooms & art studios.

Future Land Use Map Amendment (Ordinance No. 4796-18) - In order provide a consistent Future Land Use (FLU) designation across all of their current properties, the Applicant is proposing to change the FLU designation of the subject property from Commercial East (CE) to Community Service (CS).

Rezoning and Major Planned Development Amendment (Ordinance No. 4797-18 and Resolution No. 228-18) - Additionally, the Applicant is also requesting that the subject property be rezoned from General Commercial (GC) to Community Service (CS), with a further rezoning to Community Service Planned Development (CSPD). The Applicant also submitted a request for a Major Amendment to the existing PBAU CSPD in accordance with Sec. 94-207(e)(1)b. of the City's Zoning and Land Development Regulations (ZLDRs) to modify the Master Plan and incorporate the additional parcel.

PBAU currently has no plans to build on the property, and it is important to emphasize that the additional land proposed to be added to the campus will NOT modify the maximum enrollment capacity that currently exists within PBAU's Development Order. If at any time PBAU desires to increase their maximum enrollment, or build structures on any of the parcels included in this application, a further Major Amendment to the CSPD would be required.

CONCLUSION: It is Staff's professional opinion that the proposed FLU Map Amendment, Rezoning, and Major Amendment comply with the standards required by the City's Comprehensive Plan and Zoning and Land Development Regulations, and therefore is recommending approval of the Applicant's request.

PLANNING BOARD: After a Public Hearing on July 17, 2018, the Planning Board recommended approval (7-0) of the request.

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. 4796-18 was advertised on August 20, 2018 and will again be advertised on September 5, 2018. Second Reading of Ordinance No. 4797-18 and Public Hearing of Resolution No. 228-18 will be advertised in the Palm Beach Post on August 31, 2018.

COMMISSION DISTRICT: The site is located within Commission District No. 3 - Commissioner Paula Ryan.

Fiscal Note:

No fiscal impact.

- 16. Public Hearing and First Reading of Ordinance No. 4804-18: Regarding amending the future land use map of ±5.52 acres of property located at 1630 Clare Avenue, 1701 Clare Avenue, 1940 Clare Avenue, and 1980 Clare Avenue from Industrial to Commercial East future land use designation; and**

Public Hearing and First Reading of Ordinance No. 4805-18: Regarding amending the zoning map of ±5.52 acres of property located at 1630 Clare Avenue, 1701 Clare Avenue, 1940 Clare Avenue, and 1980 Clare Avenue from Industrial to General Commercial and further to Commercial Planned Development zoning district; and

Resolution No. 237-198: Approving the development regulations and conditions for the Clare Mixed Use Commercial Planned Development, and granting waivers of the Zoning and Land Development Regulations.

The above-referenced requests are being by Michelle Cuetara and Alessandria Palmer, of Urban Design Kilday Studios, on behalf of Jamco Inc. & Murphy Construction Company.

ORDINANCE NO. 4804-18: 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 BY AMENDING THE FUTURE LAND USE DESIGNATION FOR APPROXIMATELY 5.52 ACRES OF PROPERTY LOCATED AT 1630 CLARE AVENUE, 1701 CLARE AVENUE, 1940 CLARE AVENUE, AND 1980 CLARE AVENUE FROM AN INDUSTRIAL DESIGNATION TO A COMMERCIAL EAST FUTURE LAND USE DESIGNATION; 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 A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4805-18: 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

APPROXIMATELY 5.52 ACRES OF PROPERTY LOCATED AT 1630 CLARE AVENUE, 1701 CLARE AVENUE, 1940 CLARE AVENUE, AND 1980 CLARE AVENUE FROM AN INDUSTRIAL ZONING DISTRICT TO A GENERAL COMMERCIAL ZONING DISTRICT AND FURTHER TO A COMMERCIAL PLANNED DEVELOPMENT ZONING DISTRICT; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REVISING THE ZONING MAP OF THE CITY ACCORDINGLY; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 237-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE DEVELOPMENT REGULATIONS AND CONDITIONS FOR THE CLARE MIXED USE COMMERCIAL PLANNED DEVELOPMENT; GRANTING WAIVERS OF THE ZONING AND LAND DEVELOPMENT REGULATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22068](#)

Staff Recommended Motion:

APPROVE Ordinance No. 4804-18: a Future Land Use Map amendment to the City's Comprehensive Plan, to change approximately 5.52 acres of property located at 1630 Clare Avenue, 1701 Clare Avenue, 1940 Clare Avenue, and 1980 Clare Avenue from an Industrial to a Commercial East Future Land Use designation. 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 standards of the City's Comprehensive Plan have been met.

APPROVE WITH CONDITIONS Ordinance No. 4805-18: Amending the zoning map for the properties located at 1630 Clare Avenue, 1701 Clare Avenue, 1940 Clare Avenue, and 1980 Clare Avenue by changing the property's zoning district from Industrial to General Commercial and further to Commercial Planned Development; providing that the site development plans for the Clare Avenue Mixed Use Planned Development shall be approved by resolution. This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, the findings that the amendment is consistent with the Comprehensive Plan and it complies with the standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

DISCUSS RESOLUTION NO. 237-18, which will approve the development regulations and conditions for the Clare Mixed Use Commercial Planned Development, and granting waivers of the Zoning and Land Development Regulations.

Background:

(The information provided below is a general summary. A full analysis is included in the Staff Report attached).

The proposed Clare Mixed-Use Planned Development is composed of four parcels located north and south of Clare Avenue. They consist of 1630 Clare Avenue, 1701 Clare Avenue, 1940 Clare Avenue, and 1980 Clare Avenue. The properties are to be replatted (as a separate application) to process a phased development consisting of two phases.

Phase One (Pod A): Consists of ±3.14 acres and is located at 1701 Clare Avenue (on the north side of Clare Avenue). This parcel has historically been utilized as open storage. A site plan has been submitted for approval to construct 173 residential units and 3,706 sq. ft. of commercial space.

Phase Two (Pod B): Consists of ±2.37 acre property and is located at 1630 Clare Avenue, 1940 Clare Avenue, and 1980 Clare Avenue (on the south side of Clare Avenue). These parcels are currently developed with approximately 55,519 sq. ft of office, warehouse and automotive uses. No site plan is part of this application for the redevelopment of these parcels, but the approval will allow up to 133,633 sq.ft of commercial uses for the future phase.

The subject properties currently have an Industrial (I) Future Land Use (FLU) designation and an Industrial (I) Zoning District. The proposed future land use and zoning map amendments to Commercial East and Commercial Planned Development (CPD) are consistent with the Comprehensive Plan since the proposed CPD zoning district is permitted in the Commercial East FLU designation (Sec. 94-4). Adjacent FLU designations, zoning districts and uses are all compatible with the proposed rezoning and uses. On May 14, 2018, the City held a Mayor-Commission workshop where the planning staff discussed these parcels along with the surrounding properties in a new district called the Jefferson Terminal District (JTD). The JTD will integrate priorities identified in the City's Strategic Plan including place making, supporting job creation and the redevelopment/modernization of industrial areas. The JTD is becoming an attractive location for private reinvestment and job growth and the subject application is evidence of this area's rising popularity.

Ordinance No. 4804-18: Future Land Use Map Amendment
The change in FLU designation from Industrial (I) to Commercial East (CE) will result in an increase in the maximum allowable floor area ratio (FAR) from 0.75 to 1.50 and residential density from 0 to 32.27 units per acre. This translates to an allowable 361,068 sq. ft. which can include up to 178 units. However the applicant is placing a voluntary restriction to cap the total allowable of non-residential uses to 137,339 sq. ft. A summary of the level of services (LOS) impacts was prepared and indicates an increase in water, waste water, solid waste, schools and traffic impacts. However, the impacts anticipated from this change in future land use designation have been reviewed in the Plans and Plats Review Committee process to address additional capacity needs and service provider letters have been provided. A traffic analysis has been submitted by Kimley-Horn and all significantly impacted roadways will operate at the City's adopted Level of Service. The City's Engineering and Public Utilities Departments have worked with the applicant to address increases in water, waste water and solid waste consumption

and generation. The applicant will work with the Palm Beach County School District to address school capacity contributions.

Ordinance No. 4805-18: Rezoning

To correspond with the proposed Commercial East (CE) Future land use designation, the applicant is requesting to rezone the subject property from Industrial (I) zoning district to General Commercial (GC) and a further rezoning to Commercial Planned Development (CPD). The proposed General Commercial (GC) zoning provides an acceptable transition to integrate the multifamily zoning to the west with the industrial zoning districts to the north and east. Many of the properties surrounding the subject site already have commercial type uses like offices and retail which are allowable uses in the industrial zoning district.

Based upon the compatibility with the surrounding zoning districts and uses, the City's Planning Division has found that the request complies with the required Rezoning Standards found in Section 94-32 of the Zoning and Land Development Regulations. The applicant is seeking to rezone the parcel to a Commercial Planned Development (CPD) zoning district. The proposed zoning map amendment to Commercial Planned Development (CPD) is consistent with the Comprehensive Plan since the proposed CPD zoning district is permitted in the Commercial East FLU designation. (Sec. 94-4).

Resolution No. 237-18:

The proposed development will include a Master Plan for phased development. Phase one includes 173 residential units and 3,706 sq.ft. of retail and restaurant. Phase two includes 133,633 sq.ft of commercial. A detailed site plan has been provided for phase one. The building is tiered and varies from three to six stories with a mezzanine on two corners. Additionally, the site includes two large open spaces. One is adjacent to Blanche Street and designed as a pedestrian plaza and one facing Wilkins Avenue that has a dog park, picnic area and hammock grove. Parking has been provided interior to the building on two levels and along the block surrounding the development. Waivers that are to be granted include reducing the amount of required parking in phase one, allowing more residential uses on the first floor than required in phase one and allowing one additional access point along Clare Avenue in phase two. Conditions are included to promote mobility initiatives, provide workforce housing and lessen the impact of offensive noise.

PLANNING BOARD recommended approval (6-0) of the Future Land Use and Rezoning with Conditions requests to the City Commission after a Public Hearing on July 17, 2018.

NOTICE: Individual notices were mailed to all property owners within 500 feet of the site. Signs were posted on the property on July 2, 2018. In addition, the applicant's agent attended the Pineapple Park Neighborhood Association Meeting to discuss the project. To date, five comments have been received; three with concerns with parking and traffic and two in support of the project. Ordinance No. 4804-18, Ordinance No. 4805-18 and Resolution No. 237-18 have been advertised before First Reading will be advertised prior to Second Reading.

COMMISSION DISTRICT: The subject property is located within Commission District No. 5 – Commissioner Christina Lambert.

17. **Public Hearing and First Reading of Ordinance No. 4798-18: Regarding a Future Land Use Map Amendment to change the future land use designation for a portion of two properties located at 2000 and 2020 South Dixie Highway from Commercial, Multifamily and Single Family to Commercial East.**

Public Hearing and First Reading of Ordinance No. 4799-18: Regarding a Rezoning to change the zoning designation for a portion of two properties located at 2000 and 2020 South Dixie Highway, from Professional Office Residential and Single-family High Density (SF14) to General Commercial.

ORDINANCE NO. 4798-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF WEST PALM BEACH, FLORIDA, BY CHANGING THE FUTURE LAND USE DESIGNATION OF ± 0.48 ACRES OF THE OVERALL ± 0.73 ACRE PARCEL LOCATED AT 2000 SOUTH DIXIE HIGHWAY FROM COMMERCIAL AND MULTIFAMILY TO COMMERCIAL EAST, AND ± 0.22 ACRES OF THE OVERALL ± 0.50 ACRE PARCEL LOCATED AT 2020 SOUTH DIXIE HIGHWAY FROM SINGLE FAMILY TO COMMERCIAL EAST; DECLARING THE PROPOSED AMENDMENT TO THE FUTURE LAND USE MAP TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4799-18: 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 TO REZONE ± 0.26 ACRES OF THE OVERALL ± 0.73 ACRE PARCEL LOCATED AT 2000 SOUTH DIXIE HIGHWAY FROM PROFESSIONAL OFFICE RESIDENTIAL TO GENERAL COMMERCIAL, AND ± 0.22 ACRES OF THE OVERALL ± 0.50 ACRE PARCEL LOCATED AT 2020 SOUTH DIXIE HIGHWAY FROM SINGLE-FAMILY HIGH DENSITY (SF14) RESIDENTIAL TO GENERAL COMMERCIAL; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22070](#)

Staff Recommended Motion:

Approve Ordinance No. 4798-18, changing the Future Land Use designation of ± 0.48 acres of the overall ± 0.73 acre parcel located at 2000 South Dixie Highway from Commercial and Multifamily to Commercial East and ± 0.22 acres of the overall ± 0.50 acre parcel located at 2020 South Dixie Highway from Single Family to Commercial East. 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 one or more of the standards found in Future Land Use Element Policy 1.1.7 of the City's Comprehensive Plan.

Approve Ordinance No. 4799-18, changing the zoning designation of ±0.26 acres of the overall ±0.73 acre parcel located at 2000 South Dixie Highway from Professional Office Residential to General Commercial and ±0.22 acres of the overall ±0.50 acre parcel located at 2020 South Dixie Highway from Single-family High Density (SF14) Residential to General Commercial. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board and 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:

(The information provided below is a general summary. A full analysis is included in the Staff Report, attached hereto as ATTACHMENT I)

Located on the east side of South Dixie Highway, between Flamingo Drive and Barcelona Road, the subject property consists of two (2) separate parcels (2000 and 2020 South Dixie Highway), and is comprised of a total of ±1.23 acres. The property is currently surrounded by mixed use, commercial, multifamily and single-family residential, and a private school use. In 2015, the subject property (along with the property at 2100 South Dixie Highway) was purchased by the applicant, 2000 SDH, LLC, with the intent to redevelop the properties. Prior to the land purchase, the site was an old abandoned theater building (the Carefree Theater), and a parking lot. In 2016, the abandoned theater building was demolished.

It is the applicant's intent to redevelop the subject property with a single mixed use project; however, each parcel within the subject property has split land use and zoning, which has inhibited the applicant's ability to redevelop the property with a unified project.

To provide for a consistent FLU designation across the entire property and a zoning designation that is in line with the area of the South Dixie Highway corridor, the applicant has submitted a request to change the current FLU designation and zoning classification a portion of the subject property. The requests would consolidate the land use and zoning to a single land use and zoning for the subject property. The requests are summarized below; a full description and analysis of these requests is provided in the attached Staff Report.

FUTURE LAND USE MAP AMENDMENT – ORDINANCE NO. 9798-18:
The subject property currently has a total of four Future Land Use (FLU) designations split over the two parcels: Commercial East (CE), Commercial (C), Multifamily (MF) on the property at 2000 South Dixie Highway, and CE and Single Family (SF) on the property at 2020 South Dixie Highway. Under the current land use scenario, a unified, mixed use development cannot be achieved on the subject property, as only the CE land use allows for mixed use. In order to provide for a mixed use development across the

entire property and have one consistent FLU designation, the applicant is requesting that the FLU designation be changed from C, MF and SF to CE. The total amendment area for the FLU amendment is 0.70 acres.

REZONING – ORDINANCE NO. 9799-18:

In conjunction with the request to change the Future Land Use for a portion of the subject property, the applicant is also seeking approval to change the zoning designation in order to establish consistency with the proposed land use change to CE. As with the Future Land Use, the zoning of the subject property is also split with three different zoning classifications over the two parcels: General Commercial (GC) and Professional Office Residential (POR) on 2000 South Dixie Highway, and GC and Single-family High Density (SF14) Residential on 2020 South Dixie Highway. The applicant is requesting to rezone a portion of the subject property in order to consolidate the zoning designation to GC, which is consistent with the proposed CE future land use designation. The total area subject to the rezoning is 0.48 acres.

CONCLUSION: Staff has no object to the requests. The proposed Future Land Use Map Amendment and rezoning would eliminate the split land use and zoning, which has inhibited the applicant from redeveloping the property with a single mixed use project. Additionally, the proposed CE land use and GC zoning is consistent and suitable with the character of the area along the South Dixie Highway commercial corridor.

The Development Services Department – Planning Division also believes that the requests complies with all of the standards required by the City’s Comprehensive Plan and Zoning and Land Development Regulations. Therefore, Staff is recommending approval of the requests.

PLANNING BOARD: After a Public Hearing on July 17, 2018, the Planning Board voted as follows:

- Future Land Use Map Amendment to Commercial East (Ordinance No. 9798-18): Approval (7-0)
- Rezoning to General Commercial (Ordinance No. 9799-18): Approval (7-0)

PUBLIC NOTICE: Individual notices were mailed to all property owners within 500 feet of the property, and signs were posted on the subject property. Both ordinances were advertised in the Palm Beach Post on August 20, 2018.

COMMISSION DISTRICT: The subject property is located within Commission District No. 3 – Commissioner Paula Ryan.

- 18. Public Hearing and First Reading of Ordinance No. 4795-18: Regarding a rezoning to change the zoning designation of ±9.32 acres located at 3111 South Dixie Highway from General Commercial to Commercial Planned Development; and**

Discussion of Resolution No. 227-18: Approving the development regulations and conditions for the 3111 South Dixie Commercial Planned Development, and granting waivers of the Zoning and Land Development Regulations.

The above-referenced requests are being made by Alessandria Palmer, of Urban Design Kilday Studios, on behalf of 3111 Prospect Place Equities LLC for the construction of a multiple-use development consisting of 300 residential dwelling units and 16,000 sq. ft. of commercial uses.

ORDINANCE NO. 4795-18: 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 TO REZONE ±9.32 ACRES, LOCATED AT 3111 SOUTH DIXIE HIGHWAY, FROM GENERAL COMMERCIAL TO COMMERCIAL PLANNED DEVELOPMENT; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 227-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE DEVELOPMENT REGULATIONS AND CONDITIONS FOR THE 3111 SOUTH DIXIE COMMERCIAL PLANNED DEVELOPMENT; GRANTING WAIVERS OF THE ZONING AND LAND DEVELOPMENT REGULATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22071](#)

Staff Recommended Motion:

Approve Ordinance No. 4795-18, changing the zoning designation of ±9.32 acres located at 3111 South Dixie Highway from General Commercial to Commercial Planned Development. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board and the findings that the request complies with the Comprehensive Plan and the standards in Section 94-32 of the City's Zoning and Land Development Regulations.

Discuss Resolution No. 227-18, which will approve the development regulations and conditions for the 3111 South Dixie Commercial Planned Development, and granting waivers of the Zoning and Land Development Regulations.

Background:

(The information provided below is a general summary. A full analysis is included in the Staff Report attached hereto as ATTACHMENT 1).

Located on the west side of South Dixie Highway, approximately ¼ mile south of Belvedere Road, and ½ mile north of Southern Boulevard, the subject property consists of a single parcel totaling ±9.32 acres. Currently, the site is occupied by a one- and two-story office building consisting of over 170,000 square feet. The site is primarily

designed as a suburban strip center with the building pushed to the far west side of the property, away from the main thoroughfare and over 5.36 acres of surface parking located in front of the building. The parking equates to approximately 58% of the property.

To bring a renewed sense of energy to the site and transform the property into a modern multiple-use center that offered retail, restaurant, residential, and open space, the owner of the property submitted a proposal in 2015 to completely redevelop the site with five 14-story multifamily residential condominium buildings providing a total of 300 residential dwelling units and six one-story commercial buildings along the South Dixie Highway corridor providing a total of 13,600 square feet of retail and 4,400 square feet of restaurant (with 1,100 square feet of outdoor dining).

In order to provide for the proposed redevelopment, the Applicant submitted requests to change the FLU designation on a portion of the site, and change the zoning designation on the entire parcel. The FLU Map Amendment to change the FLU designation of the western-most ± 4.91 acres to Commercial East (CE), the rezoning to General Commercial (GC), were ultimately approved by the City Commission on May 22, 2017 (Ordinance Nos. 4681-16 and 4682-16); however, the proposed development and its associated application for a Commercial Planned Development (CPD) were withdrawn by the Applicant on May 15, 2017, prior to a final hearing by the City Commission. The withdrawal resulted from concerns that were expressed during the review process regarding the scale of the project.

Since the withdrawal of the previous development proposal, the Applicant has reevaluated the future of the site and in January 2018 submitted a new application for a CPD with a proposal to construct 300 multifamily dwelling units and $\pm 16,000$ square feet of commercial uses. All existing improvements on the site would be removed and a new mixed- and multiple-use development consisting of the following is proposed:

- Three (3) 3-story buildings along South Dixie Highway with ground floor commercial uses (retail and restaurant); the northernmost building will have some ground floor residential uses and all will have residential units on the upper floors;
- Three (3) 5-story buildings in the middle and western portions of the site, consisting entirely of residential units; and
- A 2-story clubhouse/amenity building.

As part of the proposed CPD, the applicant is requesting four (4) waivers from the ZLDRs. They are:

- Section 94-611 – Definition of Front Lot Line
- Section 94-443(b)(1) – Landscape Buffer (South Dixie Highway)
- Section 94-443(d)(1) – Landscape Buffer (Hampton Road)
- Section 94-486 – Required Parking

CONCLUSION: The proposed multiple-use development on the subject property will certainly be a change from its current state, introducing a new level investment and growth in that section of South Dixie Highway. While the applicant is requesting minor waivers from the City's ZLDRs, they are not requesting to exceed the allowable intensity or density afforded by the City's Zoning and Land Development Regulations. It is Staff's professional opinion that the requested waivers and the proposed development comply with the standards required by the City's Comprehensive Plan and Zoning and Land Development Regulations. Therefore, Staff is recommending approval subject to the conditions contained in Resolution No. 227-18.

PLANNING BOARD: After a Public Hearing on June 18, 2018, the Planning Board recommended approval (7-0) of the requests, subject to the conditions contained in Resolution No. 227-18.

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. 4795-18 and Resolution No. 227-18 will be advertised prior to Second Reading.

COMMISSION DISTRICT: The site is located within Commission District No. 5 – Commissioner Christina Lambert.

Fiscal Note:

No fiscal impact.

- 19. Public Hearing and First Reading of Ordinance No. 4800-18: Regarding a city initiated request to change the future land use map of a property at 611 27th Street, totaling ±0.16 acres from a Single Family to Mixed Use future land use designation.**

Public Hearing and First Reading of Ordinance No. 4801-18: Regarding a city initiated request to change the zoning map of a property at 611 27th Street, totaling ±0.16 acres from a Single Family-7 to Broadway Mixed Use Type -1 zoning district.

Public Hearing and First Reading of Ordinance No. 4802-18: Regarding a city initiated request to change the future land use map of a property at 610 28th Street, totaling ±0.16 acres from a Single Family to Mixed Use future land use designation.

Public Hearing and First Reading of Ordinance No. 4803-18: Regarding a city initiated request to change the zoning map of a property at 610 28th Street, totaling ±0.16 acres from a Single Family-7 to Broadway Mixed Use Type -1 zoning district.

ORDINANCE NO. 4800-18: 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 BY AMENDING THE FUTURE LAND USE DESIGNATION FOR AN APPROXIMATELY 0.16 ACRE PROPERTY LOCATED AT 611 27TH STREET FROM A SINGLE FAMILY DESIGNATION TO A MIXED USE (MU) FUTURE

LAND USE DESIGNATION; 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 A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4801-18: 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 APPROXIMATELY 0.16 ACRES PROPERTY LOCATED AT 611 27TH STREET FROM A SINGLE FAMILY-7 ZONING DISTRICT TO A BROADWAY MIXED USE TYPE-1 ZONING DISTRICT; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REVISING THE ZONING MAP OF THE CITY ACCORDINGLY; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4802-18: 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 BY AMENDING THE FUTURE LAND USE DESIGNATION FOR AN APPROXIMATELY 0.16 ACRES OF PROPERTY LOCATED AT 610 28TH STREET FROM A SINGLE FAMILY DESIGNATION TO A MIXED USE FUTURE LAND USE DESIGNATION; 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 A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4803-18: 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 APPROXIMATELY 0.16 ACRE OF PROPERTY LOCATED AT 610 28TH STREET FROM A SINGLE FAMILY-7 ZONING DISTRICT TO A BROADWAY MIXED USE TYPE-1 ZONING DISTRICT; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REVISING THE ZONING MAP OF THE CITY ACCORDINGLY; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22072](#)

Staff Recommended Motion:

APPROVE Ordinance No. 4800-18: a Future Land Use Map amendment to the City's Comprehensive Plan, to change approximately 0.16 acres of property located at 611 27th Street from a Future Land Use designation of Single Family to Mixed Use. 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 standards of the City's Comprehensive Plan have been met.

APPROVE Ordinance No. 4801-18: Amending the zoning map for the property located at 611 27th Street by changing the property's zoning district from Single Family-7 to Broadway Mixed Use Type 1. 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 amendment is consistent with the Comprehensive Plan and complies with the standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

APPROVE Ordinance No. 4802-18: a Future Land Use Map amendment to the City's Comprehensive Plan, to change approximately 0.16 acres of property located at 610 28th Street from a Future Land Use designation of Single Family to Mixed Use. 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 standards of the City's Comprehensive Plan have been met.

APPROVE Ordinance No. 4803-18: Amending the zoning map for the property located at 610 28th Street by changing the property's zoning district from Single Family-7 to Broadway Mixed Use Type 1. 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 amendment is consistent with the Comprehensive Plan and complies with the standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

Background:

(The information provided below is a general summary. A full analysis is included in the Staff Report attached).

The proposed future land use and zoning map amendments for the two parcels will make the parcels consistent with the Mixed Use (MU) future land use designation and Broadway Mixed Use District Type 1 (BMUD-1) zoning districts to the east of the subject sites. This is a first step to unify the subject parcels with the parcels to the east to develop live/work units geared toward artists. The proposed project is currently being led by the City's Housing and Community Development Department (HCD) with endorsement from the City of West Palm Beach Community Redevelopment Agency (CRA).

While the City Planning and Zoning staff continue to revise the regulations for the most recent masterplan for the corridor, the subject applications are being processed to further encourage development along the corridor by providing a consistent FLU designation and zoning district to the continuous vacant land. This application is intended to support the proposed vision for the Broadway Corridor by providing the depth needed for a cohesive

site plan responsive to Broadway, contemporary amenities and parking in the rear of the site.

These sites are unique in character as it relates to the surrounding FLU designations, zoning districts and uses. The current Single Family FLU and zoning is a pocket of parcels in one block that are vacant, multifamily and single family surrounded by the Mixed Use FLU designation to the east and the Commercial FLU designation to the west. The parcels are surrounded by the Broadway Mixed Use District (BMUD) to the east, and the General Commercial (GC) District to the west. The GC parcels are mostly warehouse type uses and the BMUD is multifamily apartments, converted hotels and rooming houses. All historically designated single family structures are east of Broadway.

Ordinance No. 4800-18 & 4802-18: Future Land Use Map Amendments
After review of additional detail and comprehensiveness, assigning the subject properties a Mixed Use (MU) future land use designation is appropriate since it seems to be the next step in providing what the Broadway Corridor needs to successfully redevelop while providing consistency with the adjacent properties to the east of the subject site that already have compatibility with surrounding uses.

Ordinance Nos. 4801-18 & 4803-18: Rezoning

To correspond with the proposed Mixed Use (MU) Future land use designation, the City is requesting to rezone the subject properties from the Single Family (SF-7) zoning district to Broadway Mixed Use Type I (BMUD-1). The proposed expanded BMUD-1 zoning provides the additional functional depth for sites in order to provide two and three stories of mixed use development. By establishing a parcel depth of approximately 200 feet, a mixed use development will be better able to support building pads, rear parking and proper transition to the adjacent neighborhoods.

A comparison was conducted of the setback requirements of the existing and proposed zoning districts on the adjacent property to the subject site. The BMUD-1 zoning district will require a larger setback from the neighboring properties than the SF-7 while providing minimal additional height. The BMUD-1 zoning district will require a 15' setback from the adjacent property whereas the SF-7 requires a 5' setback from the adjacent property.

Based upon the compatibility with the surrounding zoning districts and uses, the City's Planning Division has found that the request complies with the required Rezoning Standards found in Section 94-32 of the Zoning and Land Development Regulations.

There has been no proposed development program at this time but live/work units have been discussed. The live/work units will complement the artistic flavor of Northwood Village while offering additional housing opportunities to a growing artist population.

PLANNING BOARD recommended approval (7-0) of all Future Land Use and Rezoning requests to the City Commission after a Public Hearing on July 17, 2018.

NOTICE: Individual notices were mailed to all property owners within 500 feet of the site. Signs were posted on the property on July 2, 2018. To date, no comments have been received. Ordinance No. 4800-18, Ordinance No. 4801-18, Ordinance No. 4802-18 and Ordinance No. 4803-18 have been advertised before First Reading will be advertised prior to Second Reading.

COMMISSION DISTRICT: The subject property is located within Commission District No. 1 – Commissioner Kelly Shoaf.

- 20. Public Hearing and First Reading of Ordinance No. 4806-18: A City-initiated request for a Future Land Use Map Amendment to change the Future Land Use designation of approximately 0.34 acres of land, generally located west of Mercer Avenue, north of Alpha Street, south of Okeechobee Road, and east of Interstate 95 from Multifamily to Commercial.**

Public Hearing and First Reading of Ordinance No. 4807-18: A City-initiated request for a rezoning, to rezone approximately 0.34 acres of land, generally located west of Mercer Avenue, north of Alpha Street, south of Okeechobee Road, and east of Interstate 95 from Multifamily Medium Density (MF20) to General Commercial.

ORDINANCE NO. 4806-18: 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 APPROXIMATELY 0.34 ACRES OF LAND, GENERALLY LOCATED WEST OF MERCER AVENUE, NORTH OF ALPHA STREET, SOUTH OF OKEECHOBEE ROAD, AND EAST OF INTERSTATE 95, FROM MULTIFAMILY TO COMMERCIAL; DECLARING THE PROPOSED AMENDMENT TO THE FUTURE LAND USE MAP TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4807-18: 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 TO REZONE APPROXIMATELY 0.34 ACRES OF LAND, GENERALLY LOCATED WEST OF MERCER AVENUE, NORTH OF ALPHA STREET, SOUTH OF OKEECHOBEE ROAD, AND EAST OF INTERSTATE 95, FROM MULTIFAMILY MEDIUM DENSITY TO GENERAL COMMERCIAL; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22073](#)

Staff Recommended Motion:

APPROVE Ordinance No. 4806-18 to change the Future Land Use designation of approximately 0.34 acres of land, generally located west of Mercer Avenue, north of Alpha Street, south of Okeechobee Road, and east of Interstate 95, from Multifamily to Commercial. This motion is based upon the staff report, factual testimony, the recommendation of the Planning Board and the findings that the request complies with the standards found in Future Land Use Element Policy 1.1.5 of the City's Comprehensive Plan.

APPROVE Ordinance No. 4807-18 to rezone approximately 0.34 acres of land, generally located west of Mercer Avenue, north of Alpha Street, south of Okeechobee Road, and east of Interstate 95, from Multifamily Medium Density to General Commercial. This motion is based upon the staff report, the testimony given, the recommendation of the Planning Board, along with the findings that the rezoning complies with the Comprehensive Plan and Rezoning Standards in Section 94-32 of the City's Zoning and Land Development Regulations.

Background:

(The information provided below is a general summary. A full analysis is included in the Staff Report attached hereto as ATTACHMENT 1 - Staff Report).

1422 and 1416 Okeechobee Road both currently have split zoning and split land use designations. The northern portion of the subject properties is zoned General Commercial (GC) and has a Commercial (C) Future Land Use (FLU) designation, while the southern portion of the subject parcels is zoned Multifamily Medium Density (MF20) with a Multifamily FLU designation. The subject properties are located on a corridor with a mix of commercial, industrial, and some residential uses. Uses in the immediate vicinity of the subject properties include an automobile sales store and lot, warehouses, professional offices, and a mobile home park. Okeechobee Road dead ends approximately 500 feet to the west of the subject property at its terminus with Interstate 95. Approximately 40-100 feet of the southern portion is zoned MF20, while the northern portion (approximately 70-140 feet, depending on where it is measured) is zoned GC. As this area of West Palm Beach developed from residential to primarily commercial and industrial uses, the parcels along Okeechobee Road were rezoned to GC. On this specific portion of Okeechobee Road, the alleyway to the east of the subject parcel was chosen as the demarcation point whereby parcels to the north were rezoned to General Commercial and those to the south preserved as Multifamily. Consequently, the subject parcels were split zoned as both GC and MF20, and a portion of the commercial building at 1416 Okeechobee Road sits in a portion of the parcel zoned MF20.

An application to redevelop 1422 Okeechobee Road as a Transit Storage and Maintenance Facility was submitted to the City in June of 2017 and approved with waivers by the Zoning Board of Appeals in October of the same year. The use was approved for the site with the condition that the southern portion of the property be rezoned with an accompanying future land use map amendment to make the entire parcel zoned GC with C future land use. 1416 Okeechobee Road is located immediately east of

1422 Okeechobee Road and consists of 0.62 acres. It currently contains a 7,800 square foot warehouse building constructed in 1974. The northern part of the building lies in the portion of the parcel zoned GC, and the southern portion of the building lies in the portion of the parcel which is zoned Multifamily.

The rezoning and future land use amendment to change the southern portions of 1422 and 1416 Okeechobee Road to GC and C is consistent with the character and development of the corridor and surrounding area. The current configuration of the parcels renders a significant portion of the sites either nonconforming or undevelopable for commercial use. The rezoning and future land use amendment will bring the warehouse building on 1416 into compliance with the City's Zoning and Land Development Regulations and allow for the highest use of the property. The amendment will also ensure a continuity of commercial uses along Okeechobee Road and multifamily residential along Alpha Street to the south.

CONCLUSION: The proposed Future Land Use amendment and rezoning complies with the standards found in both the City's Comprehensive Plan and Zoning and Land Development Regulations. The Future Land Use amendment and rezoning is also compatible with the surrounding area and will promote a continuity of uses along the Okeechobee corridor.

IMPACT ANALYSIS: It is not anticipated that the proposed amendments would be detrimental to the immediate area or negatively impact the public facilities and services in the area.

It is Staff's professional opinion that the requests comply with the standards required by the City's Comprehensive Plan and Zoning and Land Development Regulations, therefore, Staff is recommending approval.

PLANNING BOARD: After a Public Hearing on July 17, 2018, the Planning Board voted unanimously (7-0) to recommend approval.

PUBLIC NOTICE: Individual notices were mailed to all property owners within 500 feet of the property, and a sign was posted on the subject parcel. The Ordinances were advertised in the Palm Beach Post on August 20, 2018 for First Reading.

COMMISSION DISTRICT: The subject 0.34 acre site is located within Commission District No. 5 – Commissioner Christina Lambert.

- 21. Public Hearing of Resolution No. 233-18: Regarding a request by Bohler Engineering, on behalf of JAF Restaurant Group, LLC, for a Major Amendment to the Palms Gateway Commercial Planned Development, located at the southeast corner of Belvedere Road and Australian Avenue, to modify the Master Development Plan, and to provide for the construction of a 2,418 square foot fast food restaurant with drive-through on Tract #2 of the planned development.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE PALMS GATEWAY COMMERCIAL PLANNED DEVELOPMENT LOCATED AT THE SOUTHEAST CORNER OF BELVEDERE ROAD AND AUSTRALIAN AVENUE TO MODIFY THE MASTER DEVELOPMENT PLAN, AND TO PROVIDE FOR THE CONSTRUCTION OF A 2,418 SQUARE FOOT FAST FOOD RESTAURANT WITH DRIVE-THROUGH ON TRACT #2 OF THE PLANNED DEVELOPMENT; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22069](#)

Staff Recommended Motion:

APPROVE Resolution No. 233-18, approving a Major Amendment to the Palms Gateway Commercial Planned Development to modify the Master Development Plan, and provide for the construction of a foot fast food restaurant with drive-through on Tract #2 of the planned development. This motion is based upon the application submitted, the staff report, the recommendation of the Planning Board, and the finding that the amendment complies with all of the standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

Background:

(The information provided below is a general summary. A full analysis is included in the Staff Report attached hereto as ATTACHMENT I)

The Palms Gateway Commercial Planned Development (CPD) is 8.55 acres in size and is located at the southeast corner of Belvedere Road and Australian Avenue. The CPD is comprised of four (4) development tracts. To date, two (2) out of the four (4) tracts have received site plan approvals: (1) Ordinance No. 4572-15: Construction of a 6,119 square foot Wawa gas station and convenience store on Tract #1, and (2) Resolution No. 96-17: Construction of a five-story, 111,502 square foot self-storage building on Tract #4.

The applicant is requesting a Major Amendment to the Palms Gateway CPD. The amendment, if approved, would modify the Master Development Plan, and provide for the construction of a 2,418 square foot Del Taco fast food restaurant with drive-through on Tract #2 of the Planned Development. The requested amendments are summarized below:

MASTER DEVELOPMENT PLAN:

The Master Development Plan establishes the development concept and parameters for the overall Palms Gateway CPD, including the number of developable tracts, circulation pattern, type of permitted uses, and the maximum allowable building square footage for the planned development.

There are two minor changes proposed to the Master Development Plan. The changes include a decrease in the maximum allowable building square footage for the restaurant use on Tract #2, and an increase in the number of hotel rooms on Tract #3.

Staff has no objection to the proposed Master Development Plan amendment. The changes are minor and are not expected to be detrimental to the overall planned development. The applicant has already received concurrency approval from the Palm Beach County Traffic Division for the modification, and the applicant's traffic study also states that the change would decrease the number of net vehicular trips to the development by 18 trips daily. Therefore, the change would further improve traffic in the area.

SITE PLAN (DEL TACO RESTAURANT):

The applicant is seeking approval to provide for the construction of a 2,418 square foot Del Taco fast food restaurant with a drive-through on Tract #2 of the CPD. Tract #2 is approximately 1.08 acres in size and is located at the northeast quadrant of the CPD. The survey of Tract #2 is provided in ATTACHMENT II.

The proposed site plan features an outdoor seating area, pedestrian connections from Belvedere Road to the restaurant building, and sidewalk access to the adjacent tracts within the CPD. According to the site plan, the restaurant will provide a total of 76 seats (64 indoor and 12 outdoor) and parking for 25 vehicles, which meets the minimum parking requirement for the use. The proposed site plan and landscape plan are provided in ATTACHMENTS III and IV.

Staff has no issues with the proposed site plan. The project conforms to the minimum standards of the Zoning and Land Development Regulations. Additionally, the applicant has improved the design of the site by providing internal and external pedestrian connections, making the development more appealing and conducive to other forms of mobility to the site.

CONCLUSION: The Planning Division has determined that the requested amendment to the Palms Gateway CPD complies with all of the required standards found in Section 94-32 of the City's Zoning and Land Development Regulations. Compliance with the standards has been detailed in Attachment VIII of the attached Staff Report. Therefore, Staff is recommending approval of the request.

PLANNING BOARD: After a Public Hearing on July 17, 2018, the Planning Board unanimously (7-0) voted to recommend approval of the request with the added condition that the internal traffic circulation is reviewed by staff prior to City Commission to determine if additional safety measures could be implemented to improve traffic circulation. After the Planning Board meeting, Staff reviewed the internal site circulation with the City's Traffic Engineer and it was determined by the City's Traffic Engineer that the internal circulation was adequate and that no additional safety measures were needed.

PUBLIC NOTICE: Individual notices were mailed to all property owners within 500 feet of the property, and signs were posted on the subject property. The Resolution was also advertised in the Palm Beach Post on August 17, 2018.

COMMISSION DISTRICT: The site is located within Commission District No. 5 – Commissioner Christina Lambert.

COMMENTS BY THE CITY COMMISSIONERS:

COMMENTS BY THE MAYOR:

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 and written communications shall be placed in the record; and 2) site visits, investigations, etc.**

NOTICE: IF ANY PERSON DECIDES TO APPEAL ANY DECISION OF THE CITY COMMISSION AT THIS MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR THAT PURPOSE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY OF WEST PALM BEACH DOES NOT PREPARE OR PROVIDE SUCH A RECORD.