



**City of West Palm Beach
City Commission**

PASS/FAIL AGENDA

**March 11, 2019
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 (1-11): ALL CONSENT ITEMS (1-11) APPROVED

1. Minutes of the Regular City Commission Meeting of February 11, 2019.
[Agenda Cover Memorandum No.: 22344](#)
2. **Resolution No. 93-19 approving an Amendment to the Palm Beach International Boat Show Agreement.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN AMENDMENT TO THE PALM BEACH INTERNATIONAL BOAT SHOW AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22348](#)

Staff Recommended Motion:
Approve Resolution No. 93-19.

Background:

At the June 26, 2017, Commission Meeting, Resolution No. 178-17 was approved authorizing a ten-year agreement with Yachting Promotions, Inc. and the Marine Industries Association of Palm Beach County to produce the Palm Beach International Boat Show. The agreement establishes, among other things, the length of the Boat Show event, including set-up and break down, along with the timeframe in which the affected public streets must be re-opened to traffic after the event. Currently, the agreement provides that the Boat Show will last 5 days, and that the northbound lanes of Flagler Drive from Lakeview Avenue to Fern Street must reopen by 6:00 p.m. on the Friday following the event.

The Boat Show is presently scheduled to remain a 4-day event. However, due to the growth of the Boat Show, the producers have requested additional break down time for the removal of docks. Yachting Promotions wishes to extend break down from 6:00 p.m. on the Saturday following the event to 6:00 p.m. on the Monday following the event for the northbound lanes of Flagler Drive from Lakeview Avenue to Fern Street.

Resolution No. 93-19 approves an Amendment to the Palm Beach International Boat Show to establish the show as a 4-day event and to provide that the northbound lanes of Flagler

Drive from Lakeview Avenue to Fern Street must re-open by 6:00 p.m. on the next Monday (8 days) following the event.

Fiscal Note:

No. fiscal impact.

3. **Resolution No. 84-19 authorizing the City of West Palm Beach and the Artist Showcase of the Palm Beaches to enter into an Amendment to the Jenkins House Lease Agreement to provide for joint use of the premises located at 815 Palm Beach Lakes Boulevard.**

Resolution No. 85-19 authorizing the City of West Palm Beach and the Sickle Cell Foundation to enter into a Lease Agreement for the second floor of the Jenkins House located at 815 Palm Beach Lakes Boulevard.

RESOLUTION NO. 84-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN AMENDMENT TO THE JENKINS HOUSE LEASE AGREEMENT BETWEEN THE ARTIST SHOWCASE OF THE PALM BEACHES, INC., AND THE CITY OF WEST PALM BEACH TO ALLOW THE JENKINS HOUSE TO BE SHARED WITH THE SICKLE CELL FOUNDATION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 85-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A JENKINS HOUSE LEASE AGREEMENT BETWEEN THE SICKLE CELL FOUNDATION OF PALM BEACH COUNTY, INC., AND THE CITY OF WEST PALM BEACH LEASING A PORTION OF THE JENKINS HOUSE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22349](#)

Staff Recommended Motion:

Approve Resolution No. 84-19 and Resolution No. 85-19.

Background:

The Sickle Cell Foundation of the Palm Beaches, Inc. currently leases its office and operating space at 1600 N. Australian Avenue from the City of West Palm Beach. Due to the deteriorating conditions of the existing building, the City and Foundation have agreed to demolish and re-construct the structure to better accommodate the Foundation and for additional uses for the community. It is the intention of the City to also redevelop the site as the new location of the Vickers House North.

Since the building at 1600 N. Australian Avenue is currently uninhabitable, the City has agreed to assist the Foundation in seeking temporary operating space until the new building is constructed. The City currently leases the Jenkins House at 815 Palm Beach Lakes Boulevard to the Artist Showcase of the Palm Beaches, Inc. The Artist Showcase has

agreed to allow the Sickie Cell Foundation to share the Jenkins House on a short-term basis, until the new building in which the Foundation will be housed is developed. The new building is estimated to be completed before June 2020.

Resolution No. 84-19 authorizes the City of West Palm Beach and the Artist Showcase of the Palm Beaches to enter into an Amendment to the Jenkins House Lease Agreement to provide for joint use of the premises located at 815 Palm Beach Lakes Boulevard.

Resolution No. 85-19 authorizes the City of West Palm Beach and the Sickie Cell Foundation to enter into a Lease Agreement for the second floor of the Jenkins House located at 815 Palm Beach Lakes Boulevard.

4. Resolution No. 91-19 amending the City's Salary Plan for FY 2018-19 to upgrade the pay allocation for the Senior Network and Systems Architect.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CITY'S SALARY PLAN AS PROVIDED IN RESOLUTION NO. 264-18, APPROVED ON SEPTEMBER 24, 2018, AND AMENDED ONCE THEREAFTER, TO INCREASE THE PAY GRADE FOR JOB CLASSIFICATION OF SENIOR NETWORK AND SYSTEMS ARCHITECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22350](#)

Staff Recommended Motion:

Approve Resolution No. 91-19.

Background:

Resolution No. 91-19 amends the City's Salary Plan for FY 2018-19 by upgrading the pay grade allocation for the Senior Network and Systems Architect. The Senior Network and Systems Architect job classification provides expert level IT systems and network design and support services to internal and external customers. After completing the career progression program for the Network Administrator job series, it became apparent that the pay grade allocation for this job was not in alignment with jobs in the same series. The job was re-evaluated using the job factor evaluation system, and it was determined based on the results of the analysis that the Senior Network and Systems Architect should be allocated from pay grade 66 (salary range \$64,144-\$99,357) to pay grade 70 (salary range of \$70,803 - \$109,671).

Fiscal Note:

No budget impacts. Any costs associated with this change can be absorbed by the current budget.

5. Resolution No. 73-19 authorizing the assessment of city liens in the total amount of \$24,167.19 for unpaid water service, sewer service, and stormwater service charges for the month of December 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.: 22352](#)

Staff Recommended Motion:

Approve Resolution No. 73-19.

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. 73-19 are for unpaid water service, sewer service and stormwater service charges for the month of December 2018. The list of properties to be assessed and the associated charges totaling \$24,167.19 are attached to Resolution No. 73-19 as EXHIBIT A - Utility Lien List - December 2018. If not paid, these liens may be foreclosed by the City.

Fiscal Note:

No fiscal impact.

6. **Resolution No. 83-19 correcting a scrivener's error in Resolution No. 2-19's title and Section 3 of the resolution to reflect an Agreement with the Miami Beach Police Department.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING RESOLUTION 2-19 TO CORRECT SCRIVENER'S ERRORS CONTAINED IN THE TITLE AND SECTION 3 TO REFLECT THE AGREEMENT IS BETWEEN THE CITY OF WEST PALM BEACH AND THE MIAMI BEACH POLICE DEPARTMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22353](#)

Staff Recommended Motion:

Approve Resolution 83-19.

Background:

On January 14, 2019, the City Commission adopted Resolution No. 2-19. The Commission Agenda and the ACM both correctly stated that the agreement was between the City of West Palm Beach and the Miami Beach Police Department. The Resolution included scrivener's errors in the Title, which stated that the Agreement was with the City of Boca Raton rather than the Miami Beach Police Department; and Section 3, which stated that

the Agreement would be forwarded to the City of Boca Raton rather than Miami Beach Police Department. Resolution 83-19 corrects the scrivener's errors.

7. Resolution No. 80-19 authorizing a conditional release of liens for 415 Flamingo Drive.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, CONDITIONALLY WAIVING CITY LIENS; AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A RELEASE OF CODE ENFORCEMENT LIENS ENCUMBERING CERTAIN REAL PROPERTY LOCATED AT 415 FLAMINGO DRIVE, WEST PALM BEACH, FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES
[Agenda Cover Memorandum No.: 22355](#)

Staff Recommended Motion:

Approve Resolution No. 80-19.

Background:

Code enforcement liens were recorded against 415 Flamingo Drive as a result of code violations caused by a prior owner. The violations continue to exist, and the liens currently total approximately \$238,050.00. The resolution provides that a new owner, Mr. Richard Callahan, will cure the code violations by demolishing the existing structure, grading the site, securing the site with a fence, and submitting a plan for rehabilitation of the property. Mr. Callahan will also pay a reduced administrative fine of \$7,500.00, in addition to paying any outstanding resolution liens, ad valorem, taxes, or non-ad valorem assessments against the property. After all conditions have been met, the City would release the code enforcement liens.

8. Resolution No. 81-19 approving an Interlocal Agreement with Palm Beach County for reimbursement of costs to purchase one Zoll AutoPulse System for West Palm Beach Fire Rescue Department and Resolution No. 94-19(F) appropriating the funds.

RESOLUTION NO. 81-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THAT INTERLOCAL AGREEMENT FOR THE USE OF EMS GRANT FUNDS FOR EMERGENCY MEDICAL SERVICES EQUIPMENT BETWEEN PALM BEACH COUNTY AND THE CITY OF WEST PALM BEACH; AUTHORIZING EXECUTION OF THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 94-19(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 2018/2019 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 RECEIPT OF A

GRANT FROM PALM BEACH COUNTY FOR REIMBURSEMENT OF COSTS TO PURCHASE A ZOLL AUTOPULSE SYSTEM AND TO PROVIDE APPROPRIATIONS FOR THE EXPENDITURES; PROVIDING AN EFFECTIVE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22356](#)

Staff Recommended Motion:

Approve Resolution No. 81-19 and Resolution No. 94-19(F).

Background:

The Florida Department of Health, Bureau of Emergency Medical Services (DOH) is authorized by Chapter 401, Part II, Florida Statutes, to dispense grant funds throughout the State to improve and expand pre-hospital Emergency Medical Services (EMS). DOH emergency medical services grants are only awarded to counties; however, each county is encouraged to assess its countywide EMS needs and establish priorities. Palm Beach County may reimburse and disburse the DOH grant funds to licensed emergency medical providers.

Palm Beach County desires to reimburse the City of West Palm Beach the sum of \$14,636 from the County's FY2018-2019 DOH EMS funds for the purchase of one Zoll AutoPulse System for use by the West Palm Beach Fire Rescue Department in providing emergency medical services. The City will be required to purchase the Zoll AutoPulse system and submit for reimbursement no later than December 2019.

Resolution No. 81-19 approves the Interlocal agreement with Palm Beach County for reimbursement of \$14,636 for the purchase of one Zoll AutoPulse System for use by the West Palm Beach Fire Rescue Department.

Fiscal Note:

Approval will provide for reimbursement of \$14,636 for the purchase of one Zoll AutoPulse system.

- 9. Resolution No. 89-19 re-affirming the City's support for Project Wedge as a qualified target industry business for state incentives and re-approving incentives.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RE-AFFIRMING SUPPORT AND RECOMMENDING PROJECT WEDGE BE APPROVED AS A QUALIFIED TARGET INDUSTRY BUSINESS FOR STATE INCENTIVES PURSUANT TO SECTION 288.106, FLORIDA STATUTES; AUTHORIZING PAYMENTS OF UP TO \$35,000 AS THE REQUIRED LOCAL PARTICIPATION FOR THE QUALIFIED TARGET INDUSTRY TAX REFUND PROGRAM WITH A HIGH-IMPACT SECTOR BONUS; APPROVING AN AMENDED QTI AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22358](#)

Staff Recommended Motion:

Approve Resolution No. 89-19.

Background:

Pursuant to Resolution No. 393-16, the City Commission previously approved local support in the amount of \$35,000 to Project Wedge through the State's Qualified Target Industry Tax Refund (QTI) Program. The approval was contingent upon Project Wedge entering into a QTI Agreement with the City, and the incentive approval was subsequently withdrawn because Project Wedge refused to enter into the QTI Agreement. Project Wedge is an information technology/logistics business that expanded its operations and headquarters in the City, which resulted in the creation of 35 new jobs with an average salary of \$50,675.00, which is 115% of the state average annual wage. Project Wedge is eligible for a total tax refund of \$175,000 under the QTI Program. 80% of the tax refund will be paid by the State of Florida. The QTI Program requires that 20% of the tax refund is provided by local support. The remaining 20%, or \$35,000 of the tax refund would be paid by the City of West Palm Beach over 4 years at a rate of \$8,750.00 per year.

Resolution No. 393-16 required Project Wedge to enter into a QTI Agreement with the City, which incorporated the terms of Project Wedge's application and the state QTI program. Project Wedge's initial application to the City, and the City Commission's prior approval was in part based on Project Wedge's representation that it would make a total of \$1,200,000 in capital investment in the City over a four-year period. Project Wedge was unable to meet the capital expenditure requirements and therefore declined to enter into the QTI Agreement with the City. Project Wedge has requested that the City Commission reconsider its application, remove the capital contribution requirements, re-affirm the City's local support and grant an incentive in the amount of \$35,000.

COMMISSION DISTRICT: Project Wedge is located in District 3 represented by Commissioner Paula Ryan.

Fiscal Note:

No fiscal impact.

10. **Resolution No. 74-19(F) appropriating funds in the amount of \$18,200 from the West Palm Beach Library Foundation for the Mandel Public Library of West Palm Beach to continue to provide Mandel Public Library Art Classes and Lectures (incremental) for adult patrons.**

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 2018/2019 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 BUDGET TO PROVIDE APPROPRIATIONS FOR A CONTRIBUTION FROM THE WEST PALM BEACH LIBRARY FOUNDATION FROM THE DDA TO CONTINUE THE MANDEL

PUBLIC LIBRARY OF WEST PALM BEACH'S ART CLASSES AND LECTURES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22343](#)

Staff Recommended Motion:

Approve Resolution No. 74-19(F).

Background:

The Mandel Public Library of West Palm Beach offers free classes, lectures, and demonstrations that cover a variety of art forms. These art classes and lectures are one of the Library's major contributions to the West Palm Beach Arts and Entertainment District. Classes are offered during the day and in the evening, 7 days a week, and bring people from all over to Downtown West Palm Beach. Due to overwhelming demand, the library currently refurbished a former staff area into a studio space, called Studio 411 – our version of the maker-space idea – that has been designed to better accommodate the many art classes and other hands-on “maker” classes.

The Mandel Public Library is part of a library co-op with most other libraries in Palm Beach County. This means patrons from one library in the co-op can get a library card at any of the other libraries. As of January 2019, cardholders living outside the city limits totaled 33,869 of our 107,109 total cardholders. Cardholders living outside of West Palm Beach also accounted for 35% of the items currently checked out. That represents a significant number of people coming downtown to borrow materials. Our library classes are superior. They bring in even more people from outside our city limits to the downtown. Instructors for our art classes are artists who have exhibited, won awards, or taught art previously – typically all three.

The library, much like art-incubator organizations in other communities, provides an introduction to various art forms, and students often go on to attend classes at the Armory Art Center and patronize art museums and other arts and entertainment venues in the Downtown West Palm Beach Arts and Entertainment District. The funding provided by the West Palm Beach Library Foundation will allow the library to continue to offer hands-on art classes (with supplies) and art lectures at no cost to downtown residents and visitors to downtown West Palm Beach.

Fiscal Note:

Receipt of Grant for IncreMental U Classes.

- 11. Resolution No. 100-19 approving an agreement between the City of West Palm Beach and the Lord's Place to establish a Hospital-based Violence Intervention Pilot Program in the amount of \$50,000.00.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A GRANT TO THE LORD'S PLACE FOR ITS

HOSPITAL-VIOLENCE INTERVENTION PILOT PROGRAM; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22359](#)

Staff Recommended Motion:

Approve Resolution No. 100-19.

Background:

The Lord's Place is an organization that is dedicated to breaking the cycle of homelessness by providing innovative, compassionate and effective services to men, women and children in our community. The Lord's Place have successfully implemented housing programs, job training programs and reentry programs among others.

The Lord's Place proposes the West Palm Beach Hospital-Violence Intervention Pilot Program. The objective is to reduce at risk factors leading to violence, criminal involvement, and re-injury by increasing protective factors such as; improved educational/vocational attainment, increased employability skills, improved health status, and increase support system. The Lord's Place have Intervention Peer Specialists with lived experience to provide engagement and case management services to victims of violent shootings and stabbings in the City of West Palm Beach. The City desires to implement such program for the benefit of the City's residents.

Fiscal Note:

Approval will provide a grant to the Lord's Place to establish a pilot Hospital-based Violence Intervention Program.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

RESOLUTIONS (12-13):

12. **Resolution No. 96-19 APPROVED granting "Face of the City" approval of above-ground design features in connection with the Washington Road Utilities and Stormwater Outfall Project.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING AND APPROVING THE ABOVE-GROUND DESIGN FEATURES PRESENTED TO THE CITY COMMISSION FOR WASHINGTON ROAD UTILITIES AND STORMWATER OUTFALL PROJECT; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22351](#)

Staff Recommended Motion:

Approve Resolution No. 96-19.

Background:

Section 66-13 of the City of West Palm Beach Code of Ordinances requires City Commission approval of design features for above-ground changes involving streets, parks, buildings, or landscaping. Accordingly, the proposed improvements for Washington Road Utilities and Stormwater Outfall (the "Project") require "Face of the City" approval.

The Project is located in the single family residential historic districts of Prospect Park and Southland in the City of West Palm Beach.

This project will benefit this community by providing a new stormwater management system and new storm outfall, through George S. Petty Park, that will improve roadway flooding in this area. Other utility improvements within the right-of-way include the replacement of aged and undersized existing water distribution and sanitary sewer systems. Roadway improvements include a new road profile with 5-ft sidewalks, 5-ft bicycle lanes and a reduced pavement section. Additional traffic calming improvements include elevated intersections throughout the project corridor.

The target construction start for the Project is Summer 2020 and will have a duration of approximately twelve (12) months. Funding for the Project will be provided from the Utility System Revenue Bond, Series 2017A (Fund 45A), Fund 485 and GASB Roadway Improvements Fund 101.

Resolution No. 96-19 approves the above ground design features for the Washington Road Utilities and Stormwater Outfall project.

COMMISSION DISTRICT: The Project is located in Commission District 3: Commissioner Paula Ryan.

13. **Resolution No. 90-19 APPROVED providing "Face of the City" design approval of the above-ground features of the MLK Memorial Wall Refurbishment & Improvements Project.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING AND APPROVING THE ABOVE-GROUND DESIGN FEATURES PRESENTED TO THE CITY COMMISSION FOR THE REFURBISHMENT OF MLK MEMORIAL WALL LOCATED EAST OF NORTH FLAGLER DRIVE BETWEEN PICCADILLY STREET AND BUTLER STREET IN CURRIE PARK; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22347](#)

Staff Recommended Motion:

Approve Resolution No. 90-19.

Background:

Section 66-13 of the City of West Palm Beach Code of Ordinances requires City Commission approval of design features for above-ground changes involving streets, parks, buildings, or landscaping. Accordingly, the proposed improvements to MLK Memorial Wall and surroundings require “Face of the City” approval.

The MLK Memorial Wall is located east of North Flagler Drive between Piccadilly Street and Butler Street in Currie Park. It was designed in 1998 built in the early 2000's. This is a refurbishment and site improvement project. The above ground improvements at the Memorial wall will include repair/replacement of the fountain, replacement of the granite slabs to improve visibility, removal of the secondary wall to open up the wall's view to the water and relocating the writings to a more prominent location at the front of the wall, addition of lighting features to improve safety and security. The scope of work will also include addressing the plumbing system of the fountain, improving of the visuals of the wall, re-grading the back of the removed wall for public use and locating the writings and information stand about the specific design features of the wall and flags.

The target construction start for the wall is June 2019 for approximately 2 months duration. Funding for the improvements will be provided from the 2016 Bond Capital Improvement Fund.

Resolution No. 90-19 approves the above ground design features at MLK Memorial Wall project site.

Comment: Funding for the MLK Memorial Wall project is appropriated in the 2016B Capital Improvement Fund. Project No. 10138603: \$190,900.

Fiscal Note:

No fiscal impact for Face of City approval.

PUBLIC HEARING (14-16):

14. **Public Hearing and Second Reading of Ordinance No. 4832-19 APPROVED amending various sections of the City Code Chapter 86, Article III, Division 4, Sections 86-189 through 86-195 of the Code of West Palm Beach, Florida providing regulations for truck routes on City streets.**

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), ARTICLE III (OPERATION OF VEHICLES), TO AMEND DIVISION 4 (RESTRICTION ON USE OF STREETS) TO DELETE SECTION 86-188 (TRUCK ROUTE ESTABLISHED; OFFICIAL TRUCK ROUTE MAP) AND SECTION 86-189 (TRUCK TRAFFIC PROHIBITED ON CERTAIN STREETS), TO RENUMBER SECTIONS 86-189 THROUGH 86-193, TO AMEND SECTION 86-194 (COMMERCIAL VEHICLES TO DISPLAY NAME ON SIDE), AND TO AMEND

SECTION 86-195 (GRANTING OF EXCEPTIONS TO SIZE RESTRICTIONS); PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22327](#)

Staff Recommended Motion:

Approve No. Ordinance No. 4832-19 on Second Reading and Public Hearing.

Background:

Chapter 86, Article III of the City's Code of Ordinances provides regulations for the operation of vehicles and restrictions on use of City streets. In an effort to curb semi-truck traffic within the City limits, designated truck routes are needed to provide a safe and efficient transportation. Trucks on local streets can deteriorate pavement conditions at a faster rate; therefore, it is necessary to limit truck traffic within local network and focus truck routes on FDOT and Palm Beach County roads.

Ordinance No. 4832-19 will update sections 86-188 through 86-195 of the Code of West Palm Beach, Florida regarding truck routers within the City limits and goes into effect on April 1st, 2019 and will be advertised on March 1st, 2019.

Fiscal Note:

No Fiscal Impact.

15. **Public Hearing and Second Reading of Ordinance No. 4836-19 **APPROVED** Amending the Code of Ordinances to prohibit the distribution, sale or use of Plastic Straws and Plastic Stirrers.**

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 34- ENVIRONMENT, ARTICLE I – IN GENERAL, TO CREATE SECTION 34-1, REGARDING THE PROHIBITION ON DISTRIBUTION, SALE OR USE OF PLASTIC STRAWS AND PLASTIC STIRRERS; AMENDING CHAPTER 26- CODE ENFORCEMENT, ARTICLE III- CITATION PROCEDURE, SECTION 26-66- CODE PROVISIONS SUBJECT TO PENALTIES IN SECTION 26-65 OF THE CODE OF ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

[Agenda Cover Memorandum No.: 22345](#)

Staff Recommended Motion:

Approve Ordinance No. 4836-19.

Background:

The City of West Palm Beach is committed to environmental stewardship and leadership

and finds that it is in the public interest, safety, and welfare of its citizens and visitors to reduce litter and pollutants on the lands and in the waters of the City. Discarded plastic straws and plastic stirrers, as well as other single use plastic items, threaten wildlife and marine life, negatively impact the City's stormwater management system and waterways, and litter the waterfront and waters within the City.

It is estimated that Americans use 500 million plastic straws every day. Many of these straws make their way into the ocean and waterways, where it takes approximately 200 years to begin degrading. Non-biodegradable, single-use straws often end up in waterways where they break down into smaller, micro-size pieces that are oftentimes mistaken as food by marine life. This, in turn, can have detrimental effects not only on marine life, but may also eventually cause harm to humans by way of consumption and collateral environmental effects. According to a United Nations (UN) article, over eight million metric tons of plastic are found in our oceans every year, impacting our marine wildlife, fisheries, and tourism, and costing at least \$8 billion in damage to marine ecosystems. Plastic straws are among the top 10 marine debris items. Even after degrading, plastics never leave the environment. It is critical to reduce our dependency on single-use plastics.

Recently, several municipalities in Florida and across the United States have enacted legislation regulating or prohibiting plastic beverage straws, including Miami Beach, Surfside, Fort Myers Beach, Delray Beach, Hallandale Beach, St. Petersburg, Fort Lauderdale, and Coral Gables. There are reasonable, environmentally friendly alternatives to plastic straws and stirrers, such as straws and stirrers made of paper, plant, vegetable and other natural products. This Ordinance seeks to increase public awareness of daily decisions that consumers may make to reduce solid waste and the risk of plastics and non-biodegradable waste entering the waste stream or into storm drains and local waterways by prohibiting the use, sale, and distribution of plastic straws and plastic stirrers within the City.

The Ordinance includes several exceptions, including for persons with an impairment, prepackaged drinks sold at commercial establishments, use by medical or dental facilities, use by the school district or county, state, or federal governmental entities, and use during a locally declared emergency. The Ordinance would not apply to any City contract, lease, or concession agreement entered into prior to July 1, 2019, or any special event permit issued prior to July 1, 2019, unless the City contractor or special event permittee voluntarily agrees to ban such use.

Following adoption of the Ordinance, from April 1, 2019 to September 30, 2019, the City will engage in public education efforts to inform commercial establishments of the provisions of this Ordinance and to provide assistance with identifying alternatives to plastic straws and plastic stirrers. Enforcement by the City's Code Enforcement Division shall commence on October 1, 2019.

This Ordinance is necessary for the preservation and improvement of the environment and the public health and welfare of the City's residents and visitors.

16. **Public Hearing and First Reading of Ordinance No. 4834-19 **APPROVED** amending Ordinance 3805-04 to change the number of members of the Traffic Calming Advisory Committee.**

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), ARTICLE V (TRAFFIC CALMING), TO AMEND DIVISION 2 (TRAFFIC CALMING ADVISORY COMMITTEE) SECTION 86-371 (MEMBERS; APPOINTMENT; TERM) AND SECTION 86-372 (ORGANIZATION); PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22360](#)

Staff Recommended Motion:

Approve Ordinance No. 4834-19.

Background:

The traffic calming ordinance was approved by the City Commission on December 6, 2004 under Ordinance No. 3805-04. This ordinance was established as tool to help the citizens that experienced issues with drivers traveling at high speed in their neighborhoods. The ordinance allowed for the creation of a Traffic Calming Advisory Committee. The applications submitted by the citizens are reviewed by this committee and then determined if they are viable for the installation of traffic calming measures. The traffic calming measures are features that can be installed in a roadway to make drivers lower their speed. Some of these measures are speed bumps, street narrowing, humps, medians, speed cushions, traffic circles, raised intersection, or raised crosswalks/speed tables.

The traffic calming advisory committee, as it is described in the Ordinance No. 3805-05, Article II, Division 1, requires the committee to be composed of 7 members from the city staff, 1 member from Palm Tran and 3 citizens who reside within the city. At the current time, there are certain positions named in the ordinance that are not available within the city staff, making the traffic calming committee incomplete as described in the ordinance and therefore unable to properly execute the ordinance. It is for this reason that the members of the Traffic Calming Advisory Committee are requesting that Section 2, Article II, Division 1, Sec 86-371 and Sec. 86-371 be amended to reduce the membership from eleven (11) to seven (7) members.

Fiscal Note:

No fiscal impact.

**PUBLIC HEARING – QUASI JUDICIAL (17-20):
DISCLOSURE OF EX PARTE COMMUNICATIONS, IF ANY*
SWEARING IN OF WITNESSES**

17. **Public Hearing and Second Reading of Ordinance No. 4830-19: **APPROVED** Regarding the transfer of the site plan approvals and development conditions relating to the Ibis Golf and Country Club Residential Planned Development (RPD), located at 8100 Ibis Boulevard, to a separate resolution; and**

Public Hearing of Resolution No. 35-19: **APPROVED Approving a Major Amendment to the Ibis Golf and Country Club RPD to add a 16,000 square foot expansion to the existing clubhouse, add 10,000 square feet to the existing fitness center, construct a 1,500 square foot golf training facility, make other site improvements, and allow for golf cart spaces to account for 25 percent of the required parking for the Ibis Golf and Country Club RPD.**

All of the above-referenced items are being requested by Jennifer Morton of JMorton Planning & Landscape Architecture on behalf of Ibis Golf & Country Club Inc.

ORDINANCE NO. 4830-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING ORDINANCE NO. 2403-90, AS AMENDED BY ORDINANCE NO. 4502-14, AS AMENDED, RELATING TO THE IBIS GOLF AND COUNTRY CLUB RESIDENTIAL PLANNED DEVELOPMENT (RPD), GENERALLY LOCATED AT THE SOUTHWEST CORNER OF NORTHLAKE BOULEVARD AND NORTH STATE ROAD 7, TO TRANSFER THE SITE PLAN APPROVALS AND RELATED CONDITIONS TO A SEPARATE RESOLUTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 35-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE IBIS GOLF AND COUNTRY CLUB RESIDENTIAL PLANNED DEVELOPMENT (RPD) GENERALLY LOCATED AT THE SOUTHWEST CORNER OF NORTHLAKE BOULEVARD AND NORTH STATE ROAD 7, TO ADD 16,000 SQUARE FEET TO THE EXISTING CLUBHOUSE, 10,000 SQUARE FEET TO THE EXISTING FITNESS CENTER, CONSTRUCT A 1,500 SQUARE FOOT GOLF TRAINING FACILITY, AND AMEND THE SITE PLANS ACCORDINGLY; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22357](#)

Staff Recommended Motion:

APPROVE Ordinance No. 4830-19, transferring the site plan approvals and related conditions for the Ibis Golf and Country Club RPD to a separate resolution.

APPROVE Resolution No. 35-19 which will approve a Major Amendment to the Ibis Golf and Country Club RPD to add a 16,000 square foot expansion to the existing clubhouse, add 10,000 square feet to the existing fitness center, construct a 1,500 square foot golf training facility and make other improvements to the site, and allow golf cart spaces to

account for 25 percent of the required parking for the Ibis Golf and Country Club RPD. Consideration will be based upon the factual testimony presented, the application submitted, the staff report and recommendation of the Planning Board, along with the finding that the standards of Section 94-32 of the Zoning and Land Development Regulations have been met.

Background:

The subject property consists of ±14.5 acres and is located in the north central portion of the 1,900.5-acre Ibis Golf and Country Club RPD. Ibis is located south of Northlake Boulevard and east of State Road 7 near the northwestern boundary of the City of West Palm Beach.

Ibis contains 1,840 residences in 33 neighborhoods, three golf courses, various amenities, and a cluster commercial development primarily located around Northlake Boulevard. The 14.5-acre subject property contains the development's country club (73,902 sf), fitness center (16,607 sf), pool/spa, tennis courts, and pickleball courts. The country club was constructed shortly after the Ibis RPD was approved in 1991, with various additions made in 2012 and 2014. The country club serves the residents of Ibis and a relatively small number of members who reside outside of its boundaries. It contains a restaurant and pub, golf facilities, and office space.

Ibis wishes to expand both the existing country club and fitness center, expand the existing porte-corcheres on each building, and construct a new 1,500 square foot golf training facility. The proposed country club expansion will total 16,000 square feet and will be constructed in two stories on the southeast portion of the existing country club. The expansion will allow for a larger restaurant and pub area and additional office space on the bottom floor. The fitness center expansion will be two stories with a total of 10,000 square feet on the eastern portion of the existing fitness center. The applicant is also proposing to construct a 1,500 square foot golf training facility that will be located to the south of the existing golf cart parking lot and south of the pool area.

The amendment also includes applying an alternative means of calculating parking specific to the Ibis RPD. Because the vast majority of the users of the country club, fitness center, and pool facilities are Ibis residents, and many whom travel within the development via golf cart or bicycle, golf cart spaces will account for 25% of the overall parking requirement for the country club and fitness center. Discussions with the applicant indicate that the existing parking onsite is adequate, and the proposal includes no increase in membership.

Pursuant to Section 94-36(3) of the City's Zoning and Land Development Regulations (ZLDRs), any increase of a building within a Residential Planned Development which exceeds 5% of its existing square footage necessitates a Major Planned Development Amendment. Additionally, the proposed revisions concerning parking calculations similarly require a Major Planned Development Amendment.

CONCLUSION: In Planning Staff's professional opinion, the proposed amendment to the Ibis Golf and Country Club RPD complies with the standards required by the City's

Comprehensive Plan and the Zoning and Land Development Regulations. Therefore, Staff is recommending approval.

PLANNING BOARD: After a Public Hearing on December 18, 2018, the Planning Board unanimously recommended approval (5-0) of the request.

Individual notices were mailed to all property owners within 500 feet of the property and signs were posted on the subject property. Ordinance No. 4830-19 and Resolution No. 35-19 will be advertised in the Palm Beach Post in advance of Second Reading.

COMMISSION DISTRICT: The Ibis Golf and Country Club RPD is in Commission District No. 4 - Commissioner Keith James.

18. **Public Hearing of Resolution No. 51-19: **APPROVED** Regarding a request for Major Amendment of the Drive Shack Planned Development at 1600 Belvedere Road, by Josh Nichols of Jon E. Schmidt and Associates, Inc., on behalf of Drive Shack Palm Beach, LLC, to amend one waiver regarding pole height.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE DRIVE SHACK COMMERCIAL PLANNED DEVELOPMENT TO MODIFY A PREVIOUSLY GRANTED WAIVER TO THE CITY'S ZONING AND LAND DEVELOPMENT REGULATIONS; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22346](#)

Staff Recommended Motion:

APPROVAL of Resolution No. 51-19: Amending the Drive Shack Planned Development Regulations to modify a previously approved waiver to allow for ten more feet of height of the poles. This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, the finding 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.

Background:

The subject site, 1600 Beveldere Road, is owned by the Palm Beach County Department of Airports (DOA) and is within the limits of the Palm Beach International Airport Master Plan that is regulated by the Federal Aviation Administration (FAA). In the 2006 Airport Master Plan, the subject site was identified as a potential location for supporting non-airport development.

In 2016, by Ordinance No. 4647-16, the DOA received approval for a future land use amendment and rezoning for the subject site. The future land use amendment was changed from Community Service (CS) to Commercial (C) while the zoning was changed from Community Service (CS) to General Commercial (GC). In 2017, by Ordinance No. 4745-

17, the property was rezoned from General Commercial (GC) to Commercial Planned Development (CPD). The request was made by Drive Shack Palm Beach, LLC, who is the lessee for the Department of Airports (DOA) property. The CPD zoning allowed the site to be developed into an entertainment destination. On December 18, 2017, the City Commission adopted Resolution No. 350-17, approving the development regulations and conditions for the Drive Shack Commercial Planned Development which granted waivers to the zoning and land development regulations.

The area surrounding the subject site has been undergoing much transition within the last few years. The properties located west and south of the subject property are also owned by Palm Beach County DOA and are currently being developed to have non-airport use development. The property located west of the subject property, located in unincorporated Palm Beach County, was completed in the last year as a travel plaza and serves as an enhanced facility for the airport's cell phone waiting area. The property to the south of the subject property, also in unincorporated Palm Beach County, is under construction as a hotel. The property east of the subject site, within the limits of West Palm Beach, is now developed as a Wawa gas station/convenience store.

The subject site is currently under construction to build a 61,908 sq. ft. indoor/outdoor recreation/ restaurant facility, called Drive Shack. Drive Shack will consist of a 3-story indoor/outdoor computerized golf driving range with interactive scoring plus a restaurant facility.

Once the applicant started construction, they realized that they would need additional pole height to ensure the safety of public. A waiver was initially approved to allow poles of 150 feet in height to support the netting to contain the balls. The request is to amend the waiver to allow for ten more feet of pole height for a total height of 160 feet. The applicant has provided a Trajectory Study indicating the need for the amendment to increase the height of the poles for safety reasons.

Compliance with the standards has been detailed in Attachment A - Planning Board Staff Report.

PLANNING BOARD: The Planning Board recommended approval with conditions of this request (7-0) to the City Commission after a Public Hearing on January 15, 2019.

NOTICE: Individual notices were mailed to all property owners within 500 feet of the site. Signs were posted on the property on December 28, 2018. To date, multiple inquiries have been received, none with objections.

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

19. **Public Hearing of Resolution No. 64-19: APPROVED** A request by Mike Schwartz and Chuck Millar of Kimley-Horn & Associates, Inc., on behalf of Community Hospital of the Palm Beaches, Inc., for the approval of a Major Planned Development Amendment to the West Palm Hospital Community Service Planned Development (CSPD) to increase the size of the Emergency Room facilities by approximately 7,300 square feet, to include reconfigurations to the parking and landscape areas in the vicinity of the expansion and to change the name of the CSPD to the JFK Medical Center North Campus CSPD.

Location: The approximately 25-acre site is located generally at 2201 45th Street, within Commission District No. 1 – Commissioner Kelly Shoaf.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN AMENDMENT TO THE DEVELOPMENT REGULATIONS, INCLUDING THE SITE DEVELOPMENT PLANS, FOR THE WEST PALM HOSPITAL COMMUNITY SERVICE PLANNED DEVELOPMENT LOCATED GENERALLY AT 2201 45TH STREET, TO EXPAND THE EMERGENCY ROOM FACILITIES AND TO CHANGE THE NAME OF THE COMMUNITY SERVICE PLANNED DEVELOPMENT TO JFK MEDICAL CENTER NORTH CAMPUS; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22354](#)

Staff Recommended Motion:

APPROVE Resolution No. 64-19, a Major Planned Development Amendment to the West Palm Hospital CSPD to increase the size of the emergency room by approximately 7,300 square feet, to include reconfigurations to the parking and landscape areas in the vicinity of the expansion and to change the name of the CSPD to the JFK Medical Center North Campus CSPD. 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 Columbia Hospital originally opened in 1975. In 1998, the hospital and a portion of the surrounding grounds were rezoned to the Columbia Hospital CSPD by Ordinance No. 3123-98. Ordinance No. 3538-02 approved an expansion to the Columbia Hospital CSPD in 2002. In 2014, Ordinance No. 4503-14 and Resolution No. 5-14 were approved, renaming the CSPD to the West Palm Hospital CSPD and creating a master sign program for the CSPD. The hospital wishes to expand their Emergency Room facilities by approximately 7,300 square feet, which will include the reconfiguration of the entrance points and adjacent parking and landscape areas. As part of the Major Planned Development Amendment the name of the CSPD will be changed to the JFK Medical Center North Campus CSPD to reflect the rebranding of the hospital.

The existing Emergency Room is located on the east side of the main hospital building with both ambulances and the public sharing the access drive and parking for the Emergency Room entrances. The redesign of the Emergency Room facilities and adjacent parking will define a clear separation of the ambulance entrance from the north and the public entrance from the south side of the redesigned Emergency Room facilities. The revised access drive is being designed to only permit one-way circulation in a southbound direction, so the City's Traffic Engineer has required the installation of wayfinding signs to direct vehicles from the south side of the campus to the north side via the internal ring road.

The redesigned north side of the Emergency Room will have two dedicated ambulance drop off lanes with a staging area for ambulances to park as well as four parking spaces for Ambulatory Medical Vehicles. The redesigned south side of the Emergency Room will have two drop off lanes for use by the public. Parking and landscape areas have been reconfigured to accommodate the new entrances and a new Oxygen Tank area has been added on the west side of the main hospital building.

STANDARDS: The Planning Division has determined that the Major Planned Development Amendment to the JFK Medical Center North Campus CSPD meets all eight (8) of the required amendment standards found in Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations.

Compliance with the above referenced standards is detailed in Attachment 1 - Planning Board Staff Report.

PLANNING BOARD: The Planning Board recommended approval (7-0) of the development regulations, including the site development plans and the waivers, to the City Commission after a Public Hearing on January 15, 2019.

NOTICE: Individual notices were mailed to all property owners within 500 feet of the West Palm Hospital CSPD. Signs for the Major Amendment were posted on the property on December 31, 2018.

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

Fiscal Note:

No fiscal impact.

- 20. Public Hearing and Second Reading of Ordinance No. 4824-19: **APPROVED** A rezoning from a Professional Office Residential (POR) zoning designation to a Multifamily High Density (MF32) Residential zoning designation.**

Public Hearing and Second Reading of Ordinance No. 4825-19: **APPROVED A rezoning from a Multifamily High Density (MF32) Residential zoning designation to a Residential Planned Development (RPD) zoning designation, including an RPD**

acreage waiver, to create the 1309 South Flagler Drive RPD.

Public Hearing of Resolution No. 13-19: The establishment of the development regulations, including waivers, for the 1309 South Flagler Drive RPD, a 24-story, 42-unit residential tower.

The requests were submitted by Joe Verdone of Carlton Fields, on behalf of Flagler Residential, LLC for property generally located at 1309 South Flagler Drive.

Ordinance No. 4824-19: 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 1.346 ACRES LOCATED GENERALLY AT 1309 SOUTH FLAGLER DRIVE FROM A PROFESSIONAL OFFICE RESIDENTIAL ZONING DESIGNATION TO A MULTIFAMILY HIGH DENSITY RESIDENTIAL ZONING DESIGNATION; 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.

Ordinance No. 4825-19: 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 1.346 ACRES LOCATED GENERALLY AT 1309 SOUTH FLAGLER DRIVE FROM A MULTIFAMILY HIGH DENSITY RESIDENTIAL ZONING DESIGNATION TO A RESIDENTIAL PLANNED DEVELOPMENT ZONING DESIGNATION, WITH AN ACREAGE WAIVER, TO CREATE THE 1309 SOUTH FLAGLER DRIVE 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. 13-19: 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 1309 SOUTH FLAGLER DRIVE PLANNED DEVELOPMENT LOCATED AT 1309 SOUTH FLAGLER DRIVE; 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.

[Agenda Cover Memorandum No.: 22340](#)

Staff Recommended Motion:

APPROVE Ordinance No. 4824-19, a rezoning from a Professional Office Residential (POR) zoning designation to a Multifamily High Density (MF32) Residential zoning designation. This motion is based upon the factual testimony presented, the application submitted, the staff report, the Planning Board recommendation, 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. 4825-19, a rezoning from a Multifamily High Density (MF32) Residential zoning designation to a Residential Planned Development (RPD) zoning designation, including a RPD acreage waiver, to create the 1309 South Flagler Drive RPD. This motion is based upon the factual testimony presented, the application submitted, the staff report, the Planning Board recommendation, 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. The City Commission further finds that particular circumstances justify the reduction of the planned development acreage to less than 10 acres and that the requirements for the planned development district zoning and the benefits to be derived from the planned development district zoning can be derived in such lesser area.

APPROVE Resolution No. 13-19, the establishment of the development regulations, including waivers, for the 1309 South Flagler Drive RPD, a 24-story, 42-unit residential tower. This motion is based upon the factual testimony presented, the application submitted, the staff report, the Planning Board recommendation, 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:

STANDARDS: The Planning Division has determined that the rezoning from a POR zoning designation to a MF32 zoning designation meets all eight (8) of the required amendment standards found in Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations.

The Planning Division has determined that the rezoning from a MF32 zoning designation to a Residential Planned Development (RPD) zoning designation, including a RPD acreage waiver, to create the 1309 South Flagler Drive RPD meets all eight (8) of the required amendment standards found in Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations.

Compliance with all of the above-referenced standards for both requests is detailed in Attachment 1 - Planning Board Staff Report.

PLANNING BOARD: The Planning Board recommended approval (5-0), with conditions, of the Major Planned Development Amendment requests to the City Commission after a Public Hearing on November 28, 2018.

ANALYSIS: The applicant owns the parcels at 1309 and 1311 South Flagler Drive and has the parcel at 134 Acacia Road under contract. All three parcels currently have a Multifamily (MF) Future Land Use designation and are zoned Professional Office Residential (POR). The applicant is requesting to rezone all three of the parcels to a Multifamily High Density (MF32) Residential designation, with a further rezoning to establish the 1309 South Flagler Drive Residential Planned Development (RPD). The MF32 and RPD zoning designations are permitted within the MF Future Land Use category.

The parcel at 1309 South Flagler Drive contains a one-story office building. The parcel at 1311 South Flagler Drive is vacant and includes submerged lands. The parcel at 134 Acacia Road contains a parking lot, which staff has not found evidence is required parking for any building. The total acreage of the three parcels is 1.346 acres. Since the site contains less than 10 acres, the application requires an acreage waiver. The Planning Board recommended approval of the acreage waiver.

Waiver #1 - Section 94-207(c)(2) Required RPD acreage - 10 acres required, 1.346 acres requested.

The existing site contains 1.281 upland acres and 0.065 acres of submerged lands. The applicant is requesting to construct a residential tower on the site. The site is located east of Interstate 95 where it is difficult to accumulate 10 acres of land to develop as one project. The City has granted this waiver for the majority of the requests to rezone a property to a planned development east of Interstate 95. Staff does not object to this waiver request.

PROPOSED BUILDING:

The applicant is proposing to redevelop all three parcels for a 24-story residential tower containing 42 luxury condominiums. The lower three stories of the building are lobby and amenities, with 21-stories residential stories with two units per floor. There are two levels of parking, one of which is fully below grade and one which is partially below grade.

Due to the lot being wider on Currie Crescent (west frontage) than on Flagler Drive (east frontage) the tower is positioned on the western portion of the site. Residential towers established as RPDs are required to follow the development standards of the MF32 zoning district. Since the site has frontage on both South Flagler Drive and Currie Crescent, a 25-foot front setback is required from both rights-of-way. The setback from South Flagler Drive exceeds this minimum; however, the tower does not meet the minimum 25-foot setback from Currie Crescent, so the applicant is requesting a front setback waiver. The proposed tower is 300 feet in height to the roof deck, with an additional 30 feet of mechanical equipment rooms above the roof deck. Since the building height exceeds 40 feet, one foot of setback is required for each two feet in height from the north and south sides of the property. For the proposed 300-foot-tall building, a 150-foot setback is required. Since the property is 186 feet wide at its widest point, the applicant has requested side setback waivers. The setback waivers are organized by floor and the specific side setback so that the building has a consistent building envelope if there is any redesign in

the future. The setback waivers are taken to the closest point, but since the building is being designed in a curvilinear fashion, a redesign of the building may not exceed the building envelope shown on the site plans and elevations without the approval of a revised site plan through the major planned development process.

Waiver #2 - Section 94-77(a)(2)a Front setback (Currie Crescent) – 25 feet required, see Setback Waiver in Resolution No. 13-19 Table for requests.

As previously stated, the parcel is a double frontage lot. The eastern half of the parcel is narrower than the western half of the parcel. The applicant has proposed a site plan that utilizes the wider part of the lot for the placement of the building, which results in portions of the building not being the required 25 feet from Currie Crescent. Currie Crescent has historically been treated as the back of house for the properties both fronting South Flagler Drive and South Olive Avenue. While the design of the building continues to use Currie Crescent for the back of house uses, the applicant has incorporated right-of-way plantings, landscaped screen walls, architectural features and direct resident pedestrian access to mitigate the reduced setback request. Staff does not object to this waiver request.

Waiver #3 - Section 94-77(a)(3) Height/setback (sides) – 150 feet required, see Setback Waiver Table in Resolution No. 13-19 for requests.

As previously stated, the applicant is proposing to construct a new building that is 300 feet tall, which requires each side to have a setback of 150 feet. The applicant recognizes that the setback waiver request for the proposed building is large in relation to the required setbacks, so the applicant is incorporating a number of features into the project that provide a benefit to area residents, such as the reconstruction of Acacia Road, constructing a public open space along South Flagler Drive, contributing funds for the installation of a decorative crosswalk with warning flasher across South Flagler Drive, and participating in the transit contribution program. The applicant is also incorporating sustainability features such as a LEED building and pre-wiring the parking area for electric vehicle charging stations. The applicant states in the Justification Statement that the curvilinear design of the building reduces the visual impact on the surrounding properties, even with the reduced setbacks. The immediate properties to the side of the proposed building are a parking lot, an office building, a dentist office with separate rental apartments and Palm Beach Atlantic University dormitories. The landscape plans include heavy plantings to screen the building from these properties. Staff does not object to this waiver request.

The building has 42 units, which meets the density allowance of 32 units per acre (both upland and submerged lands used). The building includes two guest suites that do not include kitchens and may not be as additional units. The two parking levels are accessible via the valet service or through self-parking. The building requires 89 parking spaces per the ZLDR requirements; however, 133 parking spaces are being provided. The additional parking spaces include 25 dedicated valet parking spaces, parking for two town cars and five parking spaces for permanent building staff. A secure bicycle parking room is being supplied for the residents and bicycle parking for employees is also provided.

Exterior Site Features

As previously mentioned, the perimeter of the site is heavily landscaped with a combination of trees and palms. The entrance to the site is from South Flagler Drive via a separated driveway. The entry and exit lanes are separated by a landscaped water feature. In order to keep the entryway from being a barrier to pedestrians utilizing the sidewalk on the west side of South Flagler Drive, staff required that the ingress and egress drives be separated by a protected pedestrian refuge area. The sidewalks in front of the project are also being widened to eight feet in width as part of the City's goal of improving the walkability of South Flagler Drive. The applicant will need to provide for an easement as the additional sidewalk with is on the project site.

As part of the public improvements to offset the waiver requests, the applicant is installing a public open space with a fountain and seating area along South Flagler Drive. This area will be open to the public and maintained by the project's Homeowner's Association. Additional site features that the applicant is providing for its residents are a dog walk area, a landscaped "art walk" sculpture walk leading to South Flagler Drive and walkways leading to the rebuilt Acacia Road and Currie Crescent. Street trees are being installed on Currie Crescent.

As previously mentioned, Currie Crescent is the location of the back of house elements for the building, such as the garbage collection area, the loading area, and the mechanical equipment. The City's Sanitation Division has established a procedure for garbage staging and pick-up that is included in the development regulations. The applicant is screening the mechanical areas with six-foot-high fences that have hedges in front of them. Since Currie Crescent is a front property line, the ZLDR only permit the fences to be four feet in height. The applicant is requesting to install six-foot-high fences.

Waiver #4 - Section 94-302(b)(1) Fence Height (front yard) – maximum 4-foot-tall permitted, maximum 6 foot tall requested.

The applicant wishes to provide screening and security for the back of house area of the building. This includes the mechanical equipment areas as well as the loading and garbage holding area. The applicant is proposing to screen the fences with hedges that will exceed six feet. The gate will be a solid material. Staff does not object to this request.

The Currie Crescent frontage includes two vehicular access points. One is for the loading area for tenant move in, large deliveries, etc. Due to space constraints on the site, the applicant is requesting a waiver from the requirement that all vehicle maneuvering be performed on-site. The second vehicular access point is for secondary egress from the main entry drive as well as to provide access to the transformer vault. The ZLDR only permit one access point on Currie Crescent and even if multiple access points were permitted, they are required to be a minimum of 125 feet apart. The applicant is requesting waivers from both of these requirements.

Waiver #5 - Section 94-485(j)(1) Loading Space Ingress/Egress – Backing onto street not permitted, requesting to use Currie Crescent for maneuvering.

City staff reviewed this request based on the usage of Currie Crescent. As previously stated, it is used similar to an alley for back of house purposes such as garbage and recycling collection and includes some on-street parking spaces. Due to its configuration and the surrounding uses, this portion of Currie Crescent does not have a heavy traffic volume and would not be negatively impacted by the use of the roadway for maneuvering into and out of the loading area. The City Traffic Engineer is requiring a deliver management plan to ensure that there are no negative issues with using Currie Crescent for maneuvering. Staff does not object to this request.

Waiver #6 - Section 94-312(1) a. Number of Access Points – One permitted, two requested.

The applicant was unable to incorporate the uses of access by both access points into one unified access points due to the constraints of the site, so they are requesting two access points. The current properties have two access points to Currie Crescent, so the request does not increase the existing conditions. While staff would prefer to see only one access point to minimize vehicle and pedestrian conflicts, it is not anticipated that the access points will see heavy usage, so conflicts should be minimal. This development will complete the missing sidewalk network, including shade trees and removing the above ground utility lines adjacent to the project. Staff does not object to this request.

Waiver #7 - Section 94-312(2) a. Separation of Access Points – Minimum 125 feet required, 69 feet requested.

The current two access points are only 29 feet apart at the sidewalk. The proposed driveways are 60 feet apart. While this does not meet the minimum requirement, it lessens the existing non-conformity. Staff does not object to this request.

The grade of the development site at Currie Crescent is approximately six feet higher than the grade of the site at South Flagler Drive. In order to create a level development base for the building, the upper parking level is partially below grade (Currie Crescent side) and partially above grade (South Flagler Drive side). The entry drive from South Flagler Drive slopes up to the ground floor lobby over the eastern extent of the upper parking level, which requires a series of retaining walls. The retaining walls primarily face the side property lines at varying distances from the property lines. The retaining walls along the north and east property lines (excluding along Acacia Road) have a two-foot-tall retaining wall at the property line, with a taller retaining wall set back behind the landscape buffer. The retaining walls along the Acacia Road portion of the north property line are set back off of the property line and screened with landscape. The eastern portion of the south property line has a retaining wall at the property line which is approximately five feet in height at its furthest east point. The wall height at the property line lowers as the adjoining property slopes up toward the western property line. The landscape is installed on the filled area on the interior side of the retaining wall. Additional walls are placed behind the landscape.

Waiver #8 - Section 94-302(b)(1) Fence Height (side yard) – maximum 6-foot-tall permitted, varies (maximum 14 foot tall) requested.

The system of retaining walls exceed six feet in height within the setbacks so a wall height waiver is required. The highest walls are located around the interior corner adjacent to the residential apartments. There is landscape screening being installed to buffer the wall height. Staff is recommending that no wall be permitted to be taller than six feet within three feet of the property line since that would not provide sufficient depth to provide a landscape buffer to screen the wall from the adjoining property. Based on the heavy landscape being used to screen the retaining walls, staff does not object to this request.

Acacia Road

The applicant is proposing to rebuild a portion of Acacia Road, between Currie Crescent and Flagler Drive, to provide public benefit mitigation as part of their request for the height/setback waiver. This portion of Acacia Road is a 15-foot-wide right-of-way that which is designated for pedestrian use. Over time, the pedestrian connection fell into disrepair and no longer serves its intended purpose. The applicant will be rebuilding the underground utility infrastructure, to include burying the existing overhead utility lines, installing a pervious paver walkway, and add landscape. The lighted, paver pathway will vary between seven and ten feet in width. Due to the underground utilities, the applicant will be installing triple trunk Roebelenii palms in above ground planters along the pathway to provide canopy within the walkway. The planters will be interspersed with planting beds containing ground cover and shrubs. Additional shading will be provided by some existing palm trees which will remain in the right-of-way and the Gumbo Limbo trees being planted in the 1309 South Flagler Drive buffer. Artwork, as required by the AiPP ordinance may be installed along this walkway.

The buried electrical lines require the installation of above ground transformer boxes and switch boxes. The switch boxes are being installed on the 1309 South Flagler Drive property. The transformers, which serve the adjoining properties, are being installed within Acacia Road. At such time as the properties serviced by the transformers are redeveloped, staff will be requiring these items to be moved out of Acacia Road and onto private property.

The 1309 South Flagler Drive Homeowners Association will be responsible for maintaining the landscape within Acacia Road, to include the irrigation, and moving the planters if the City needs to work in the right-of-way. The Homeowner's Association will also be required to maintain the pavers and the pedestrian lighting and to pay for the electricity for the lights.

NOTICE: Individual notices were mailed to all property owners within 500 feet of the site. Signs for the Major Amendment were posted on the property on November 12, 2018.

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

Fiscal Note:

No fiscal impact.

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.