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

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

City of West Palm Beach
City Commission
DRAFT Agenda
Tuesday, September 3, 2024
5:00 PM

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three days prior to any proceeding, contact the City Clerk's Office, 401 Clematis Street, West Palm Beach, FL 33401, (561) 822-1210.

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

4. CIVILITY AND DECORUM

The City of West Palm Beach is committed to civility and decorum by its officials, employees and members of the public who attend this meeting. The City Code, Secs. 2-31(8), 2-31(18) and 2-31(22), provides in pertinent part:

- Officials shall be recognized by the Chair and shall not interrupt a speaker.
- Public comment shall be addressed to the City Commission as a whole and not to any individual on the dais or in the audience.
- Displays of anger, rudeness, ridicule, impatience, lack of respect and personal attacks are strictly prohibited.
- Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted.
- Offenders may be removed from the meeting.
- Any person desiring to address the Commission **shall** file a written request with the city clerk prior to consideration of the matter by the Commission or prior to the public comment portion of a meeting. The person wishing to speak **shall** complete a comment card for each agenda item the person wishes to address, which **shall** include the person's full name, address, and the numbered agenda item. The person will not be recognized if the comment card is not completed.

5. ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA

6. PRESENTATION

- 6.1. Presentation to the City Commission of the proposal received under Invitation to Negotiate (ITN) No. 23-24-500 for the purchase and/or lease and development of properties located on the Broadway Corridor.

Originating Department:

Housing and Community Development

Ordinance/Resolution:

N/A

Background Information:

On November 13, 2023, by way of Resolution No. 246-23, the City Commission of the City of West Palm Beach made a determination of surplus for multiple City-owned parcels along the Broadway Corridor specifically located at:

- 2803 Broadway Avenue, West Palm Beach, Florida
- 2813 Broadway Avenue, West Palm Beach, Florida
- 2815 Broadway Avenue, West Palm Beach, Florida
- 601 27th Street, West Palm Beach, Florida
- 611 27th Street, West Palm Beach, Florida

Subsequently, on June 10, 2024, the City Commission authorized issuance of an Invitation to Negotiate No. 23-24-500 (the "ITN") which was issued on June 14, 2024, and closed on July 24, 2024.

The City received one (1) proposal from 2823 Broadway QOZB LLC. In accordance with the process detailed in the solicitation document, an Internal Review Committee reviewed the solicitation. The proposal meets the requirements of the ITN and proposes development of a mixed-use, mixed income residential project which would include affordable/workforce housing.

City staff seeks to present the proposal to the City Commission for consideration. The City Commission will then consider all information obtained, along with staff presentation, and determine if the City should proceed to negotiate proposed sale/lease and development terms. The City Commission may require additional information and/or additional presentations prior to making a final decision.

The subject parcels are located in Commission District 1: Commissioner Cathleen Ward.

Fiscal Note:

No fiscal impact.

7. RECEIVED / FILED

- 7.1. Submittal of the following report from the Internal Auditor's Office: Post Audit Report of Payroll and Overtime PAR23-04.

Originating Department:

Internal Audit

Staff Recommended Motion:

Received, approved, and filed.

Background Information:

The report was presented to the Audit Committee on August 5, 2024, where it was approved by the Audit Committee Members.

Copies of the report have been provided to the Mayor and the City Commissioners.

Fiscal Note:

No fiscal impact.

8. CONSENT CALENDAR

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

- 8.1. Approval of the Internal Auditor's Office FY2025 Audit Plan.

Originating Department:

Internal Audit

Background Information:

Pursuant to Section 2-398(d), the Internal Auditor is required to submit an annual audit plan for the next fiscal year to the Audit Committee.

On August 5, 2024, the Audit Committee reviewed the draft FY2025 Audit Plan and unanimously recommended it for approval by the City Commission.

The Internal Auditor's Office would like the plan approved, received, and filed.

Fiscal Note:

No

fiscal

impact.

- 8.2. Resolution No. 183-24(F) providing for the receipt and appropriation of \$205,097 from Palm Beach County to the City's Pathways to Independence program in the Grant Programs Special Revenue Fund and the General Fund for rapid rehousing and support services.

Originating Department:

Housing and Community Development

Ordinance/Resolution:

RESOLUTION NO. 183-24(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2023/2024 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GENERAL FUND AND GRANT PROGRAMS SPECIAL REVENUE FUND BUDGETS FOR THE RECEIPT OF CONTINUUM OF CARE PROCEEDS TO PROVIDE APPROPRIATIONS FOR ACTIVITIES RELATED TO RAPID REHOUSING AND SUPPORTIVE SERVICES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

On April 1, 2024, the City Commission approved Resolution No. 53-24 authorizing an interlocal agreement between the City and Palm Beach County to provide a pass-through U. S. Department of Housing and Urban Development (HUD) Continuum of Care (CoC) grant in support of the Pathways to Independence Program. Pathways to Independence provides rapid rehousing and supportive services to chronically homeless, unsheltered, and medically fragile homeless individuals residing within the City limits. The Housing and Community Development (HCD) Department is responsible for grant administration and oversight.

A copy of the approved grant agreement is provided as Exhibit A. The total budget of \$482,117 is comprised of funding for rental assistance of \$277,020; supportive services of \$199,097; and utility deposit assistance of \$6,000.

Eligible rental assistance costs include security deposits, ongoing monthly rent, and property damage costs. Rental assistance payments are paid directly by Palm Beach County to landlords and utility providers through Palm Beach County's Online System for Community Access to Resources and Social Services (OSCARSS) Application portal.

Eligible supportive services costs include case management, employment assistance, outpatient health services, damage deposit, utility deposit assistance, food assistance, transportation assistance, and operating assistance, including a percentage of staff time.

The City must submit reimbursement requests for the supportive services

costs through the Services and Activities Management Information System (SAMIS). Utility deposit assistance costs are also paid to the City on a reimbursement basis. The supportive services line item budget is as follows:

1. Utility Deposit Assistance
Total: \$6,000
2. Damage Deposits
Total: \$47,500
3. Transportation Assistance
Total: \$18,000
4. Furniture
Total: \$25,000
5. Food Assistance
Total: \$20,000
6. Case Management/Staff time
Total: \$88,597

Supportive Services Grand Total: \$205,097

At the time of approval of the grant agreement, the City did not prepare an F-resolution to accept and appropriate the grant funds. Since only a portion of the grant will have an impact on the department's revenues and expenditures, the City is now seeking approval to accept and appropriate \$199,097 for supportive service activities and \$6,000 for utility deposit assistance related to the Pathways to Independence Program. The deadline to expend the total grant award is November 30, 2024.

Resolution No. 183-24(F) authorizes the appropriation of HUD CoC proceeds in the Grant Programs Special Revenue Fund for the Pathways to Independence Program.

Fiscal Note:

Approval will provide appropriations for rapid rehousing and supportive services.

- 8.3. Resolution No. 184-24 granting a footer easement within N. Railroad Avenue to 925 N. Railroad Avenue, LLC for the NORA project.

Originating Department:

Engineering

Ordinance/Resolution:

RESOLUTION NO. 184-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING A FOOTER EASEMENT AGREEMENT BY AND BETWEEN 925 N. RAILROAD AVENUE, LLC, AND THE CITY OF WEST PALM BEACH RELATED TO THE "NORA" PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

On December 5, 2023 , N. Railroad Commercial LLC, received a site plan approval for a portion of their "NORA" project at N. Railroad Avenue between 7th and 11th Street.

Upon construction at 1005 N. Railroad Avenue, it was discovered that the foundation footers would encroach into the N. Railroad Avenue right-of-way, which would lie under the proposed paver sidewalk. Upon review, it was determined there would be no utility conflicts.

Approval of Resolution No. 184-24 will allow for the construction, repair, and maintenance of the footers.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

No fiscal impact.

- 8.4. Resolution No. 172-24 approves a Settlement Agreement totaling \$110,000 in the matter of Joseph Cardona vs. The City of West Palm Beach.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 172-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SETTLEMENT AGREEMENT FOR \$110,000 IN THE MATTER OF JOSEPH CARDONA VS. THE CITY OF WEST PALM BEACH, FILED IN THE FIFTEENTH JUDICIAL CIRCUIT, IN AND FOR PALM BEACH COUNTY, FLORIDA, CASE NO. 50-2023-CA-015677-XXXX-MB AN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

Joseph Cardona filed a complaint in the Fifteenth Judicial Circuit of Florida for damages stemming from an accident that occurred on August 4, 2022, to wit: Joseph Cardona vs. The City of West Palm Beach in the Circuit Court of the Fifteenth Judicial Circuit, in and for Palm Beach County, Florida, Case No. 50-2023-CA-015677-XXXX-MB AN.

The City has reached a settlement agreement with Joseph Cardona and his attorney to resolve the matter for a total of \$110,000. The plaintiff signed a general release that releases the City from all claims arising from this accident, which resolves all of the claims for damages, including attorneys' fees and costs, against the City of West Palm Beach.

Section 2-268(g)(4) of the Code of Ordinances of the City of West Palm Beach, Florida, provides that the authority for settlement of all claims in excess of \$30,000 shall require the approval of the City Commission by formal resolution.

Resolution No. 172-24 approves the Settlement Agreement.

Fiscal Note:

Settlements are budgeted and paid for out of the Risk budget.

- 8.5. Resolution No. 173-24 authorizing the assessment of City liens in the total amount of \$19,152.49 for unpaid water service, sewer service, and stormwater charges for the month of May 2024.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 173-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING AN ASSESSMENT OF CITY LIENS FOR UNPAID WATER SERVICE, SEWER SERVICE, AND STORMWATER SERVICE CHARGES FOR THE MONTH OF MAY 2024; PROVIDING THAT SAID LIENS SHALL BE PRIOR IN DIGNITY TO ALL OTHER LIENS AGAINST THE ASSESSED PROPERTIES, SAVE AND EXCEPT A LIEN FOR TAXES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

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. 173-24 are for unpaid water service, sewer service, and stormwater service charges for the month of May 2024.

The list of properties to be assessed and the associated charges totaling \$19,152.49 are provided in Resolution No. 173-24 as EXHIBIT A - Utility Lien List - May 2024.

Fiscal Note:

No fiscal impact.

- 8.6. Resolution No. 174-24 approving termination of an interlocal agreement with Palm Beach County related to collection of transportation impact fees and electing to repeal transportation concurrency.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 174-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING TERMINATION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND PALM BEACH COUNTY EFFECTIVE SEPTEMBER 30, 2024; PROVIDING FOR COLLECTION OF IMPACT FEES; AUTHORIZING REPEAL OF TRANSPORTATION CONCURRENCY PURSUANT TO SECTION 163.3180, FLORIDA STATUTES, AS AMENDED BY HB479; PROVIDING FOR AN EFFECTIVE DATE; AND OTHER PURPOSES.

Background Information:

During this past legislative session, the Florida Legislature adopted HB 479, relating to mobility fees and the collection of fees for transportation impacts. The amendments are effective October 1, 2024. The amendment allows a local government to adopt an alternative transportation system to address transportation impacts created by new development and redevelopment in its community and surrounding communities.

To adopt the alternative transportation system, the City must first repeal its transportation concurrency policies within its comprehensive plan. In addition, the bill provides that the City and County may enter into an interlocal agreement to coordinate the mitigation of their respective transportation capacity impacts. The interlocal agreement must: (1) ensure that new development or redevelopment is not charged twice for the same transportation capacity impacts; (2) establish a plan-based methodology for determining the legally permissible fee to be charged; and (3) require the City issuing the building permit to collect the fee, unless agreed to otherwise.

On September 26, 1989, the City of West Palm Beach and the Board of County Commissioners of Palm Beach County entered into an Interlocal Governmental Agreement for Collection of Impact Fees allowing the County to collect its traffic impact fees prior to the City's issuance of a building permit. Because the City is the entity issuing the building permit, the City needs to terminate the interlocal agreement.

Approval of Resolution No. 174-24 will enable the City to commence actions needed to adopt an alternative transportation system.

Fiscal Note:

This fee is currently being collected by the County. The repeal of this agreement allows for the opportunity for a City transportation or mobility fee in the future.

- 8.7. Resolution No. 186-24 approves a Settlement Agreement totaling \$80,000 in the matter of Ellen Klempert vs. Old Northwood Neighborhood, Inc., and City of West Palm Beach.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 186-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SETTLEMENT AGREEMENT FOR \$80,000 IN THE MATTER OF ELLEN KLEMPERT VS. OLD NORTHWOOD NEIGHBORHOOD ASSOCIATION, INC., AND THE CITY OF WEST PALM BEACH, FILED IN THE FIFTEENTH JUDICIAL CIRCUIT, IN AND FOR PALM BEACH COUNTY, FLORIDA , CASE NO. 50-2023-CA-005334-XXXX-MB AN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

Ellen Klempert filed a complaint in the Fifteenth Judicial Circuit of Florida for damages stemming from a trip and fall incident on a City sidewalk that occurred on December 18, 2022, to wit: Ellen Klempert vs. Old Northwood Neighborhood Association, Inc., and The City of West Palm Beach in the Circuit Court of the Fifteenth Judicial Circuit, in and for Palm Beach County, Florida, Case No. 50-2023-CA-005334-XXXX-MB AN.

The City has reached a settlement agreement with Ellen Klempert and her attorney to resolve the matter for a total of \$80,000. The plaintiff signed a general release that releases the City from all claims arising from this accident, which resolves all of the claims for damages, including attorneys' fees and costs, against the City of West Palm Beach.

Section 2-268(g)(4) of the Code of Ordinances of the City of West Palm Beach, Florida, provides that the authority for settlement of all claims in excess of \$30,000 shall require the approval of the City Commission by formal resolution.

Resolution No. 186-24 approves the Settlement Agreement.

9. PUBLIC HEARING

- 9.1. Public Hearing and Second Reading of Ordinance No. 5104-24 approving the execution of a conveyance agreement for the property located at 386 South Tamarind Avenue; 810, 818, 826, 860, and 910 Evernia Street; and 913 Fern Street in West Palm Beach.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

ORDINANCE NO. 5104-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE CONVEYANCE OF CERTAIN PROPERTY LOCATED AT 386 S. TAMARIND AVENUE; 810, 818, 826, 860 AND 910 EVERNIA STREET; AND 913 FERN STREET, WEST PALM BEACH, TO BE USED FOR HIGHER EDUCATIONAL PURPOSES; AUTHORIZING EXECUTION OF A CONVEYANCE AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5104-24 on Second Reading.

Background Information:

The City of West Palm Beach has been requested to donate property to be used for higher educational purposes. The property sought was acquired by the City by County Deed. Several of the parcels were deeded in exchange for the property deeded to the County for the Ball Park of the Palm Beaches, and the remaining parcel was deeded pursuant to a reversionary interest retained by the City. The property has not been used for City purposes since it was acquired. The requestor is proposing to use the property for higher educational purposes and intends to construct a campus. The project is contingent on acquiring several parcels within the City, which includes additional property currently owned by a third party.

The purpose of this agreement is to provide the requestor with assurances that should it be successful in acquiring the property and approvals needed to create, fund, develop, and operate the campus, the City will convey its property to be used for higher educational purposes, which includes creating a higher education campus. The property will be subject to a reversionary clause should the property not be developed and a use restriction requiring the property to be used for higher educational purposes.

The commission approved Resolution No. 159-24 on August 19, 2024. The approved Resolution is provided in the agenda item. The parties have negotiated a conveyance agreement. Approval of Ordinance No. 5104-24 authorizes the Mayor to execute the conveyance agreement and any other documents deemed necessary to effectuate the purposes of the

agreement.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

Property is being donated by the City at no cost to the requestor, and all closing costs will be borne by the requestor.

- 9.2. Public Hearing and Second Reading of Ordinance No. 5108-24 amending the Restated Employees Defined Benefit Retirement System to allow a change in beneficiary in certain circumstances.

Originating Department:

Human Resources

Ordinance/Resolution:

ORDINANCE NO. 5108-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING CHAPTER 62 (PERSONNEL AND RETIREMENT), ARTICLE III (PENSIONS AND RETIREMENT), DIVISION 5 (RESTATED EMPLOYEES DEFINED BENEFIT RETIREMENT SYSTEM) AT SECTION 62-176 (DEFINITIONS) AND SECTION 62-195 (RETIREMENT ALLOWANCE OPTIONS), TO ADD A DEFINITION FOR SPOUSE, AND TO ADD THE ABILITY FOR A CHANGE IN BENEFICIARY UNDER CERTAIN CONDITIONS; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING A CODIFICATION CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5108-24 on Second Reading.

Background Information:

The City of West Palm Beach, through its Ordinances, has established a Restated Employees Defined Benefit Retirement System, commonly referred to as a pension, for non-first responder eligible and retired employees, codified at Section 62-185 of the City of West Palm Beach Code of Ordinances ("Plan"). The Plan is a closed pension plan, including only certain employees who were employed on or before September 10, 1997.

The City Commission has vested in a Board of Trustees for the retirement system with the ability to oversee the general administration, management, and responsibility for properly operating this retirement system.

The Plan presently does not allow a retirant to change the beneficiary after the date of retirement. However, current societal norms reflect that many individuals have situations wherein their initial designated

beneficiary for a pension/retirement pre-deceases the retirant, or otherwise becomes permanently estranged from the retirant. As a result, a retirant's pension/retirement benefits may not be distributed to a beneficiary in accordance with the retirant's current wishes.

The Plan's administrator has advised that many plans are being amended to allow a one-time change in beneficiary after retirement.

Review by the Plan's actuary indicated that a one-time change in beneficiary should have negligible impact on the Plan.

The Board of Trustees for the Plan voted to recommend a Plan Amendment to allow a member one (1) time after retirement to designate a new beneficiary and to designate a new spouse where the retirant no longer has a living spouse.

The Plan may be amended by ordinance by the City Commission as per Section 62-177 of the Code of Ordinances.

Ordinance No. 5108-24 amends the Plan to allow one (1) beneficiary change after retirement and a change of beneficiary to a new spouse if the original beneficiary spouse is no longer living.

Fiscal Note:

Per the Plan's Actuary, the proposed change should have negligible financial impact on the Plan.

- 9.3. Public Hearing and First Reading of Ordinance No. 5109-24 amending the City of West Palm Beach Code of Ordinances Chapter 78 Article XV to revise the duration for which Right-of-Way Permits may be issued and to correct scrivener's errors.

Originating Department:

Engineering

Ordinance/Resolution:

ORDINANCE NO. 5109-24: ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CITY OF WEST PALM BEACH CODE OF ORDINANCES, AT CHAPTER 78 – STREETS, SIDEWALKS AND PUBLIC PLACES, ARTICLE XV – PUBLIC RIGHT OF WAY USE, SECTION 78-433 – PERMIT CONDITIONS, TO AMEND THE DURATION FOR WHICH RIGHT-OF-WAY PERMITS MAY BE ISSUED; AND AT SECTION 78-436 TO CLARIFY THE PROVISIONS REGARDING REVOCATION OF PERMITS; AND TO CORRECT SCRIVENER'S ERRORS; PROVIDING FOR CODIFICATION, CONFLICTS, AND SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5109-24 on First Reading and schedule Second Reading on September 16, 2024.

Background Information:

The City Commission of the City of West Palm Beach is the governing body of the City and has plenary authority of the roads, alleys and rights-of-way within the City street system.

The City is experiencing growth and new development, which often requires temporary closure of a public right-of-way to allow for construction work for a new building or development.

The City Code of Ordinances currently provides that a right-of-way permit allowing the temporary closure of a roadway is valid for a maximum of thirty (30) days. However, as larger buildings are being constructed, temporary roadway and sidewalk closures are necessary for longer time periods.

Engineering Services staff desires to amend the Code of Ordinances to provide that a right-of-way permit allowing the temporary closure of a roadway may be issued for a maximum period of one (1) year; with any longer period requiring the approval of the City Commission.

It is in the best interest of the City of West Palm Beach to update and adopt regulations that support growth and development within the City;

Ordinance No. 5109-24 amends Section 433 so that right-of-way permits may be issued for longer time periods, and to correct certain scrivener errors in the existing ordinances.

Fiscal Note:

No fiscal impact.

- 9.4. Public Hearing and Second Reading of Ordinance No. 5106-24: A request by Shayne Broadnix of Urban Design Studio, on behalf of WPB Press LLC, for a Future Land Use Map Amendment to change the Future Land Use designation of 8.39 of the overall 11.57 acres of the subject area consisting of two (2) parcels located at 2751 South Dixie Highway and 501 Monceaux Road from Commercial (C) to Commercial East (CE).

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 5106-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE

COMPREHENSIVE PLAN OF THE CITY OF WEST PALM BEACH, FLORIDA, BY CHANGING THE FUTURE LAND USE DESIGNATION OF 8.39 OF THE OVERALL 11.57 ACRES OF THE SUBJECT AREA CONSISTING OF TWO (2) PARCELS LOCATED AT 2751 SOUTH DIXIE HIGHWAY AND 501 MONCEAUX ROAD, FROM COMMERCIAL (C) TO COMMERCIAL EAST (CE); DECLARING THE PROPOSED AMENDMENT TO THE FUTURE LAND USE MAP TO BE CONSISTENT WITH ALL OTHER ELEMENTS OF THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

MOTION TO CONTINUE

Motion to Continue second reading of Ordinance No. 5106-24 to the City Commission meeting scheduled on September 16, 2024, at 5:00 p.m. in the City Commission Chambers of City Hall, 401 Clematis Street, West Palm Beach. This item will not be considered before 5:01 p.m.

Background Information:

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

The +11.57-acre subject area comprises two (2) platted lots addressed 2751 South Dixie Highway and 501 Monceaux Road, separated by the FEC Railroad. The land area east of the FEC Railroad supports the existing buildings and parking on-site, while the area to the west of the Railroad supports the 423-space parking lot. Seven hundred forty-nine (749) parking spaces in all are provided, along with pedestrian access to the west parking lot via the newly constructed bridge over the railroad tracks. The property east of the FEC Railway is characterized by a split Future Land Use (FLU) designation of Commercial East (CE) and Commercial (C). To consolidate the FLU, the applicant has submitted a request to change the current FLU designation of the property.

Additionally, the applicant has submitted a rezoning application to change the property's zoning designation to establish a Commercial Planned Development (CPD) from General Commercial (GC), which includes the incorporation of an additional permitted use, along with a parking waiver.

PLANNING BOARD

After a Public Hearing on July 16, 2024, the Planning Board unanimously recommended approval (6-0) of the proposed Future Land Use Map Amendment to the City Commission.

PUBLIC NOTICE

Individual notices were mailed to all property owners within 500 feet of the subject property, and signs were also posted on the property and all statutory notice requirements have been fulfilled.

Commission District 5: Commissioner Christina Lambert.

10. PUBLIC HEARING - QUASI-JUDICIAL

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

- 10.1. Public Hearing and Second Reading of Ordinance No. 5107-24 regarding a Rezoning to change the Zoning designation of approximately 11.57 acres located at 2751 South Dixie Highway and 501 Monceaux Road from General Commercial (GC) to Commercial Planned Development (CPD); and

Public Hearing of Resolution No. 162-24 regarding the development regulations for the Shops at The Press Commercial Planned Development, and granting a waiver of the Zoning and Land Development Regulations.

The above-referenced requests are being made by Shayne Broadnix of Urban Design Studio, on behalf of WPB Press LLC., to create the Shops at The Press Commercial Planned Development.

Originating Department:
Development Services

Ordinance/Resolution:
ORDINANCE 5107-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF WEST PALM BEACH, FLORIDA, BY REZONING TWO (2) PARCELS LOCATED AT 2751 SOUTH DIXIE HIGHWAY AND 501 MONCEAUX ROAD, CONSISTING OF APPROXIMATELY 11.57 ACRES, FROM GENERAL COMMERCIAL (GC) TO COMMERCIAL PLANNED DEVELOPMENT (CPD) TO CREATE THE SHOPS AT THE PRESS COMMERCIAL PLANNED DEVELOPMENT; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REVISING THE ZONING MAP OF THE CITY ACCORDINGLY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION 162-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ESTABLISHING THE DEVELOPMENT REGULATIONS, FOR THE SHOPS AT THE

PRESS COMMERCIAL PLANNED DEVELOPMENT LOCATED AT 2751 SOUTH DIXIE HIGHWAY AND 501 MONCEAUX ROAD; GRANTING A WAIVER TO THE ZONING AND LAND DEVELOPMENT REGULATIONS; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

MOTION TO CONTINUE

I move to continue second reading of Ordinance No. 5107-24 and Resolution No. 162-24 to the City Commission Meeting September 16, 2024, in the City Commission Chambers located at 401 Clematis Street, West Palm Beach. This item will be called to be heard no sooner than 5:01 p.m.

Background Information:

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

The +11.57-acre subject area is comprised of two (2) platted lots addressed 2751 South Dixie Highway and 501 Monceaux Road, separated by the FEC Railroad. The land area east of the FEC Railroad supports the existing buildings and parking on-site, while the area to the west of the Railroad supports the 423-space parking lot. Seven hundred forty-nine (749) parking spaces in all are provided along with pedestrian access to the west parking lot via the newly constructed bridge over the railroad tracks. The property east of the FEC Railway is characterized by a split Future Land Use (FLU) designation of Commercial East (CE) and Commercial (C). To consolidate the FLU, the applicant has submitted a request to change the current FLU designation of the property.

Along with the request to change the current FLU designation of the property, the applicant has submitted a rezoning application to change the zoning designation of the property to establish a Commercial Planned Development (CPD) from General Commercial (GC), which includes the incorporation of an additional permitted use, classified as Schools, Colleges and Universities, Public and Private, along with a parking waiver. This change would allow Palm Beach Atlantic University to establish classroom space within this project.

The parking waiver requested is from the minimum number of parking spaces required per Section 94-486, Table XV-6 of the ZLDRs (which is described and analyzed in the Staff Report). The waiver request is for 128 spaces to reduce the number of required parking spaces from 877 to 749. It is staff's professional opinion that with the finding that particular circumstances justify the parking reduction, as well as the parking study provided, the proposed CPD complies with the City's Comprehensive Plan, and that the proposed request, with the waiver granted, will comply

with the standards required by the ZLDRs. Planning staff is, therefore, recommending approval of Resolution No. 162-24.

PLANNING BOARD

After a Public Hearing on July 16 2024, the Planning Board unanimously recommended approval (6-0) of the proposed rezoning to the City Commission.

PUBLIC NOTICE

Individual notices were mailed to all property owners within 500 feet of the subject property, and signs were also posted on the property.

Commission District 5: Commissioner Christina Lambert.

- 10.2. Public Hearing of Resolution No. 164-24 regarding a request by Roger Ramdeen of Shutts & Bowen, on behalf of CityPlace Retail, L.L.C., for the approval of a Major Planned Development Amendment to the CityPlace Commercial Planned Development (CPD) to amend the Rosemary Square East Subarea Building Envelope table within the Rosemary Square Core Development Regulations related to increasing the height of the podium for Building B within the subarea.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 164-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR PLANNED DEVELOPMENT AMENDMENT TO THE CITYPLACE COMMERCIAL PLANNED DEVELOPMENT TO AMEND THE ROSEMARY SQUARE EAST SUBAREA BUILDING ENVELOPE TABLE WITHIN THE ROSEMARY SQUARE CORE DEVELOPMENT REGULATIONS RELATED TO INCREASING THE HEIGHT OF THE PODIUM FOR BUILDING B WITHIN THE SUBAREA; DECLARING THIS RESOLUTION CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 164-24.

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

Background Information:

The Rosemary Square East Subarea was created as part of the adoption of Resolution No. 9-22 in order to establish the development regulations to permit the redevelopment of what was known as the C Block of the CityPlace mixed use development. The C Block formerly included the AMC movie theater, Brio, Improv and other retail and restaurant bays. Resolution No. 18-24 approved the Level III Site Plan to redevelop C Block with two (2) towers containing office and retail uses with a parking structure and ground level public open space. The approval included nine (9) waivers to the Rosemary Square East Subarea Building Envelope table and the streetscape requirements of the Zoning and Land Development Regulations. As the applicant proceeded through to the building permit submittal, they realized that a key component of their parking plan, specifically using parking lifts to meet the majority of their parking needs, was not feasible. In order to meet their parking requirements, the garage would need additional parking levels and height, which necessitated the amendment request.

The current Rosemary Square East Subarea Building Envelope established the podium height for Building B (eastern building on the site) at a maximum of 5 stories or 70 feet, whichever is less. As previously stated, the current building is approved utilizing a parking lift system that allows two (2) cars to be parked with one (1) car above the other car. While lift systems reduce the number of parking levels required for parking (both in the number of stories and the height of the garage), it requires that valets control the parking operations to ensure that the lifts are utilized correctly and efficiently. The approved building proposes having 1,030 of the required 1,366 parking spaces as lifts, with the majority of these spaces serving the office users. Since office uses have a compressed time when the majority of office workers both arrive and depart on workdays, the Developer realized that the number of valets required to efficiently park 1,030 vehicles in a timely manner is not feasible.

Changing the parking provisions from a lift system to a self-parking system with a similar number of parking spaces can only be achieved by adding parking levels. The additional levels require both an increase in the number of stories as well as the height of the podium, which are changes to the subarea allowances that must be approved by the City Commission as part of a Major Planned Development Amendment. The applicant is requesting that the podium height for the Rosemary Square East Subarea be raised to 80 feet, which is consistent with the adjacent Quadrille Business District (QBD) that was used as a model for the Rosemary Square Core Regulating Plan. Staff did note that while the request was to remain with an allowance of five (5) stories within the podium height, this would not permit the two additional stories required to allow additional self-parking spaces, so the podium height and number of stories are being increased. The change to this section of the building

envelope table is shown below (deleted text is struck and added text is underlined).

(b) HEIGHT

Building B Podium	5 stories or 70 feet, whichever is less <u>7 stories or 80 feet, whichever is less</u>
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As part of the increase in the podium height, the maximum building footprint portion of the building envelope table needs to be adjusted to accommodate the increase as shown below. The buildings approved as part of Resolution No. 18-24 included Waiver #3, which allowed the story above 60 feet (Level 6) to exceed lot coverage maximum of 55%. This was due to the first level of the tower including both office square footage as well as parking inside the body of the tower and on the roof of the podium only portion of the garage. This waiver will no longer apply for the current building design since the podium height is being increased.

(d) MAXIMUM BUILDING FOOTPRINT

STORY OR HEIGHT	LOT AREA COVERAGE
Podium: 2nd Story to 60 <u>80</u> feet	85%
Tower: Above 60 <u>80</u> feet to 11 stories	55%****

As previously stated, the Rosemary Square Core development regulations are based on the adjacent QBD requirements. One of the features of the QBD is the requirement that parking uses above certain heights require additional setbacks in order minimize the impact of the parking on the surrounding street network. With the podium height increasing to 80 feet, staff mirrored the QBD requirement that parking which is not screened by active uses on the first level of the tower (the building above 80 feet) requires an additional 15-foot setback from the Hibiscus and Gardenia Street rights-of-way. The applicant agreed to this change, and it is shown below.

(c) SETBACKS

STREET OR ADJOINING SUBAREA	SETBACKS ** Building B		
	Podium MINIMUM	Tower MAXIMUM	MINIMUM
Hibiscus Street	40 feet	54 feet	40 feet <u>Parking uses 55 feet</u>
Gardenia Street	25 feet	49 feet <u>*****</u>	25 feet <u>Parking uses 40 feet</u>

***** Maximum podium setback Waiver #5 granted by Resolution No. 18-24 applies to new podium stories 6 and 7, if utilized, with an increase in the podium height to 80 feet, provided that there are no changes to the façade location and the setbacks shown on the plans approved by Resolution No. 18-24.

The Rosemary Square East Subarea Building Envelope establishes a maximum setback for the Building B podium from Gardenia Street of 49 feet. The applicant designed the building with a private open space terrace on Level 2 of the west podium. That resulted in Levels 2 through 5 of the approved building being set back more than 49 feet. This setback continued with the tower above Level 6. Waiver #5 approved by Resolution No. 18-24 granted the additional setback for Levels 2 through 5, which are the podium levels under the existing regulations. The proposed change to allow additional stories as part of the podium requires that this waiver be expanded to include additional two (2) stories (Levels 6 and 7) for the building, if the addition of the two (2) podium stories does not change the approved building façade. This is shown in the table above through the addition of the ***** notation.

The full Rosemary Square East Subarea Building Envelope table is included in Resolution No. 164-24. The changes listed in this report do not approve a change to the currently approved Level III Site Plan. Changes to the plans approved as part of Resolution No. 18-24 will be reviewed in accordance with the requirements outlined in the CityPlace DRI development regulations, which dictate which changes require City Commission versus staff level approval.

STANDARDS

The Planning Division has determined that the Major Planned Development Amendment to the Rosemary Square Core Development Regulations meets all eight (8) of the 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 the Planning Board Staff Report (Attachment I).

PLANNING BOARD

At their Public Hearing on July 16, 2024, the Planning Board recommended approval (7-0) of the Major Planned Development Amendment to the City Commission after determining it complies with the amendment standards found in Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations.

NOTICE

Individual notices were mailed to all property owners within 500 feet of the area covered by the Major Amendment. Signs for the Major Amendment were posted on the property on June 21, 2024.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

No fiscal impact.

- 10.3. Public Hearing of Resolution No. 165-24 regarding the approval of a Minor Subdivision to create the Palm Beach Outlets Replat 2 plat consisting of two (2) development tracts for approximately 86 acres located generally at 1801 Palm Beach Lakes Boulevard.

The request was submitted by Molly Brown, of Brown & Phillips, Inc., on behalf of Palm Beach Outlets I LLC and SREIT Palm Beach Lakes Blvd LLC.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 165-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE SUBDIVISION AND PLAT OF REAL PROPERTY TO CREATE THE PLAT ENTITLED "PALM BEACH OUTLETS REPLAT 2" CONSISTING OF APPROXIMATELY 86 ACRES, AND LOCATED AT 1801 PALM BEACH LAKES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 165-24 approving a Minor Subdivision to create

the Palm Beach Outlets Replat 2 plat.

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

Background Information:

In 2014, the Palm Beach Outlets Replat 1 plat was recorded to create two (2) parcels related to the Palm Beach Outlets redevelopment. The proposed Palm Beach Outlets Replat 2 plat reconfigures a portion of the lot line between Tracts 1 and 2. No new tracts are being created and the two reconfigured tracts will contain a similar amount of acreage to the existing tract configuration.

STANDARDS

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

PLANNING BOARD

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

NOTICES

Individual notices were mailed to all property owners within 500 feet of the parcels having addresses of 1801 and 1821 Palm Beach Lakes, and public notice signs were posted on the property.

Commission District 2: Commissioner Shalonda Warren.

Fiscal Note:

No fiscal impact.

11. COMMENTS FROM THE PUBLIC

Public comments are limited to three (3) minutes. Anyone wishing to address the Commission should complete a "Comments by the Public" card and present it to the City Clerk prior to the Public Comments. When you are called to speak, please go to the podium and state your name and address for the record prior to addressing Commission. The Commission will not discuss the matter nor respond to the comment this evening. Comments made will become part of the record and may be addressed at a later date.

12. COMMENTS BY THE MAYOR AND CITY COMMISSIONERS

13. ADJOURNMENT

*Pursuant to Resolution No. 179-95, adopted according to the provisions of Section 286.0115, Florida Statutes, members of the Commission shall disclose on the record: 1) ex-parte communications - verbal or written; 2.) written communications shall be placed in the record; and 3) site visits, investigations, etc. shall be disclosed.

NOTICE: If any person decides to appeal any decision made by the City Commission at this meeting, that person will need a record of the proceedings, and that, for such purposes, may need to ensure that a verbatim records of the proceedings be made, which record includes the testimony and evidence upon which the appeal is based. The City of West Palm Beach does not prepare or provide such record.