



401 Clematis Street
West Palm Beach, Florida 33401
(561) 822-2222 (TTY) 800-955-8771
www.wpb.org

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
REVISED Pass/Fail Agenda
Monday, November 25,
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

ITEMS 8.3 AND 9.2 WERE CONTINUED.

6. CONSENT CALENDAR- ALL ITEMS WERE APPROVED.

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

6.1. Minutes of the Regular City Commission Meeting of October 15, 2024.

Originating Department:

Mayor's Office

6.2. Resolution No. 260-24 approving an Ad Valorem Tax Exemption, Completed Work Application, for the property located at 201 Monceaux Road.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 260-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR THE PROPERTY LOCATED AT 201 MONCEAUX ROAD, WEST PALM BEACH, FLORIDA, AS A RESULT OF THE HISTORIC REHABILITATION OF THE PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

At the September 24, 2024 meeting, the Historic Preservation Board (HPB) reviewed and recommended approval of the Completed Work Application for the property at 201 Monceaux Road. The HPB determined that the improvements to the historic property were successfully completed according to the Secretary of the Interior's Standards for Rehabilitation. The defining architectural characteristics of the building were preserved, and new features were determined to be compatible.

This property in the Prospect Park/Southland Part Historic District was built in 1925 and was known as the Harlod Spencer House, which is a two-story vernacular contributing structure.

Section 94-51 of the Code of Ordinances sets forth an Ad Valorem Tax Exemption program for historic properties. The program permits a ten (10) year Ad Valorem Tax Exemption for improvements made to historic properties. To qualify, the property must be designated as an individual site, or as a contributing property within an historic district in the Local and/or National Registers of Historic Places. The property owner is required to apply for the program before improvements are initiated and again after the project is completed. The exemption is given for the City's

and County's portion of taxes associated with the increased value of the property due to the improvements.

Significant improvements to the property include a complete rehabilitation of the structure including new interiors resulting in a significant improvement in the condition of the building. The applicant estimates the work to total \$534,000.

The State Legislation allowing this exemption requires that the Commission approve the final application. After the Commission's approval, the information will be forwarded to the Palm Beach County Property Appraiser's office for implementation.

Commission District 3: Commissioner Christy Fox.

- 6.3. Resolution No. 261-24 approving an Ad Valorem Tax Exemption, Completed Work Application, for the property located at 318 Monroe Drive.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 261-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR THE PROPERTY LOCATED AT 318 MONROE DRIVE, WEST PALM BEACH, FLORIDA, AS A RESULT OF THE HISTORIC REHABILITATION OF THE PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

At the February 27, 2024 meeting, the Historic Preservation Board (HPB) reviewed and recommended approval of the Completed Work Application for the property at 318 Monroe Drive. The HPB determined that the improvements to the historic property were successfully completed according to the Secretary of the Interior's Standards for Rehabilitation. The defining architectural characteristics of the building were preserved, and new features were determined to be compatible.

This property in the Prospect Park/Southland Part Historic District was built in 1947 and is a Colonial Revival contributing structure.

Section 94-51 of the Code of Ordinances sets forth an Ad Valorem Tax Exemption program for historic properties. The program permits a ten (10) year Ad Valorem Tax Exemption for improvements made to historic properties. To qualify, the property must be designated as an individual site, or as a contributing property within a historic district in the Local and/or National Registers of Historic Places. The property owner is

required to apply for the program before improvements are initiated and again after the project is completed. The exemption is given for the City's and County's portion of taxes associated with the increased property value due to the improvements.

Significant improvements to the property include a complete rehabilitation of the structure, including new interiors, resulting in a significant improvement in the condition of the building. The applicant estimates the work to total \$384,500.

The State Legislation allowing this exemption requires that the Commission approve the final application. After the Commission's approval, the information will be forwarded to the Palm Beach County Property Appraiser's office for implementation.

Commission District 5: Commissioner Christina Lambert.

- 6.4. Resolution No. 262-24 approving an Ad Valorem Tax Exemption, Completed Work Application, for the property located at 432 Ardmore Road.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 262-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR THE PROPERTY LOCATED AT 432 ARDMORE ROAD, WEST PALM BEACH, FLORIDA, AS A RESULT OF THE HISTORIC REHABILITATION OF THE PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

At the September 24, 2024 meeting, the Historic Preservation Board (HPB) reviewed and recommended approval of the Completed Work Application for the property at 432 Ardmore Road. The HPB determined that the improvements to the historic property were successfully completed according to the Secretary of the Interior's Standards for Rehabilitation. The building's defining architectural characteristics were preserved, and new features were determined to be compatible.

This property in Sunshine Park Historic District was built in 1925 and is known as the Karl Riddle House, a two-story Mediterranean Revival contributing structure that historically served as a single-family home. While it was used as the City of West Palm Beach's Health Clinic in its former location, the current owners have rehabilitated it back into a single-family house.

Section 94-51 of the Code of Ordinances sets forth an Ad Valorem Tax Exemption program for historic properties. The program permits a ten (10) year Ad Valorem Tax Exemption for improvements made to historic properties. To qualify, the property must be designated as an individual site, or as a contributing property within an historic district in the Local and/or National Registers of Historic Places. The property owner is required to apply for the program before improvements are initiated and again after the project is completed. The exemption is given for the City's and County's portion of taxes associated with the increased value of the property due to the improvements.

Significant improvements to the property include a complete rehabilitation of the structure including new interiors resulting in a significant improvement in the condition of the building. The applicant estimates the work to total \$293,038.

The State Legislation allowing this exemption requires that the Commission approve the final application. After the Commission's approval, the information will be forwarded to the Palm Beach County Property Appraiser's office for implementation.

Commission District 5: Commissioner Christina Lambert.

- 6.5. Resolution No. 263-24 approving an Ad Valorem Tax Exemption, Completed Work Application, for the property located at 211 Edgewood Drive.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 263-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION FOR THE PROPERTY LOCATED AT 211 EDGEWOOD DRIVE, WEST PALM BEACH, FLORIDA, AS A RESULT OF THE HISTORIC REHABILITATION OF THE PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

At the May 29, 2024 meeting, the Historic Preservation Board (HPB) reviewed and recommended approval of the Completed Work Application for the property at 211 Edgewood Drive. The HPB determined that the improvements to the historic property were successfully completed according to the Secretary of the Interior's Standards for Rehabilitation. The defining architectural characteristics of the building were preserved, and new features were determined to be compatible.

This property in the Prospect Park/Southland Part Historic District was

built in 1941 and was known as the Ralph & Maude Hart House is a Frame Vernacular contributing structure.

Section 94-51 of the Code of Ordinances sets forth an Ad Valorem Tax Exemption program for historic properties. The program permits a ten (10) year Ad Valorem Tax Exemption for improvements made to historic properties. To qualify, the property must be designated as an individual site, or as a contributing property within a historic district in the Local and/or National Registers of Historic Places. The property owner is required to apply for the program before improvements are initiated and again after the project is completed. The exemption is given for the City's and County's portion of taxes associated with the increased property value due to the improvements.

Significant improvements to the property include a complete rehabilitation of the structure, including new interiors, resulting in a significant improvement in the condition of the building. The applicant estimates the work to total \$710,716.

The State Legislation allowing this exemption requires that the Commission approve the final application. After the Commission's approval, the information will be forwarded to the Palm Beach County Property Appraiser's office for implementation.

Commission District 5: Commissioner Christy Fox.

- 6.6. Resolution No. 252-24(F) provides budget reclassification of budget transfers for Fiscal Year 2023 - 2024 in accordance with Bond Covenant Resolution No. 240-93 requirements. This is a reclassification of funds only and requires no budget increases.

Originating Department:

Public Utilities

Ordinance/Resolution:

RESOLUTION NO. 252-24(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE 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 WATER AND SEWAGE SYSTEMS REVENUE FUND, THE WATER AND SEWER GENERAL RESERVE FUND, AND THE WATER AND SEWER RENEWAL AND REPLACEMENT FUND BUDGETS TO PROVIDE APPROPRIATIONS FOR BOND COVENANT REQUIREMENTS AND ADDITIONAL DEBT COSTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

On November 29, 1993, the City, through Resolution No. 240-93, authorized issuance of utility system revenue bond funds not to exceed \$67,500,000 to improve the City's utility system, refunding outstanding system revenue bonds and other needs, as further defined in the Resolution.

Article I, Section 101 of Utilities Bond Resolution No. 240-93 requires that the amount designated in the Renewal, Replacement and Improvement annual budget to be "in no event less than the total of (i) eight per centum (8%) of the Revenues for the Prior Fiscal Year of the Water and Sewer Systems..." Our budget analysis recently identified that budgeted amount of the transfer to Fund 454 for fiscal 2024, the Water and Sewer Replacement (Renewal, Replacement, and Improvement) Fund, for FY 2024 calculated to 5.31%, rather than the required 8%.

Resolution No. 252-24(F) corrects the budget by adding an additional \$3,500,000 or 2.73% of the \$128,373,302 Rate Revenue calculation from the Water and Sewage Systems Revenue Fund to the Renewal and Replacement Fund 454. There is a reallocation of funds that does not increase the adopted Fiscal Year Water and Sewage Systems Revenue Fund budget of \$130,320,029.

Resolution No. 252-24(F) corrects the Utilities Fiscal Year 2024 annual budget and brings it in compliance with the Bond Covenant requirements.

Fiscal Note:

As described above, this is a correction to the Utilities Fiscal Year 2023 - 2024 budget and has no budgetary impact.

7. RESOLUTIONS- APPROVED.

- 7.1. Resolution No. 275-24 directing development of plans for use of the Floridan Aquifer as the City's water source and for development of a reverse osmosis membrane water treatment facility.

Originating Department:

Public Utilities

Ordinance/Resolution:

RESOLUTION NO. 275-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DIRECTING DEVELOPMENT OF PLANS AND ESTIMATES NECESSARY FOR THE CITY'S WATER SYSTEM TO USE THE FLORIDAN AQUIFER AS A WATER SOURCE AND FOR THE DEVELOPMENT OF PLANS FOR THE APPROPRIATE TREATMENT OF THE AQUIFER WATER SOURCE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 275-24.

Background Information:

The City's public water system provides safe drinking water to the public from its Grassy Water Preserve natural water catchment area, which is a surface water supply that is largely dependent on seasonal rainfall events to provide sufficient quantity of water, as well as supplemental sources, including Lake Okeechobee and other regional sources during periods of insufficient rainfall.

To ensure the production of safe drinking water from its surface water supply, the City operates a conventional water treatment plant designed for surface waters with enhanced lime softening, filtration, ultra-violet treatment, and chemical disinfection processes.

Alternative water sources and advanced treatment options, including membrane technologies, will best ensure that the City can meet the water quality and quantity needs of its consumers for the decades to come.

The City has been issued a permit to source the Floridan Aquifer System, as an available alternative water source that ensures sufficient reliability and capacity to support the future needs of the City.

Resolution No. 275-24 approves development of a plan for the use of the Floridan Aquifer as a water source for the City's water utility, along with development of the appropriate treatment technology, which may include reverse osmosis / membrane treatment.

Fiscal Note:

No direct fiscal impact. Fiscal impact to be determined once plans are prepared.

8. PUBLIC HEARING- ITEM 8.3 WAS CONTINUED; ALL OTHER ITEMS WERE APPROVED.

- 8.1. Public Hearing and Second Reading of Ordinance No. 5116-24 adopting the amendments to Article II (Building Code) and Article VII (Floodplain Management) of Chapter 18 of the City of West Palm Beach Code.

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 5116-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ADOPTING THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S 2024 FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAP FOR PALM BEACH COUNTY, INCLUDING THE CITY OF WEST

PALM BEACH; AMENDING THE WEST PALM BEACH CODE OF ORDINANCES TO ADOPT CHANGES TO CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, AT ARTICLE II -BUILDING CODE, SECTIONS 18-33, 18-34 AND 18-35 TO ADOPT TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE; AND AMENDMENTS TO ARTICLE VII – FLOODPLAIN MANAGEMENT AT SECTIONS 18-281, 18-282, 18-284, 18-289, 18-292, 18-293, 18-295 AND 18-296 TO COMPLY WITH THE FLOOD INSURANCE STUDY; PROVIDING FOR CODIFICATION; PROVIDING A SEVERABILITY CLAUSE AND A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5116-24 on November 25, 2024.

Background Information:

The National Flood Insurance Program (NFIP) is a voluntary Federal program, established on August 1, 1968, that enables property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based upon an agreement between local communities and the Federal Government. If a community adopts and enforces floodplain management regulations to reduce future flood risks to new construction and substantially improved structures in Special Flood Hazard Area (SFHAs), the Federal Government will make flood insurance available to residents.

The City of West Palm Beach has been a participant in this program for many years and is always striving to improve our Community Rating Score. On June 20, 2024, FEMA issued a Letter of Final Determination for the Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) for Palm Beach County and the City of West Palm Beach. These updates by FEMA provided updated areas within all portions of the County that are prone to flooding. The FIS and FIRM and their associated potential flood zones will become effective on December 20, 2024.

In order to comply with FEMA and the National Flood Insurance Program (NFIP) regulations, the City must adopt the FIS and FIRM no later than December 20, 2024.in order to meet or exceed the minimum NFIP requirements.

As a result of the FIS and FIRM, the City of West Palm Beach now has several "V" Zones along the intracoastal, meaning these areas are more susceptible to flooding and storm surge, which has required amendments to procedures and criteria for development in flood hazard zones as well as technical amendments to the Florida Building Code.

- 8.2. Public Hearing and Second Reading of Ordinance No. 5117-24: A City-initiated request for a text amendment to Section 94-611, "Definitions" of the Zoning and Land Development Regulations to remove or modify definitions relating to development in Flood Hazard Areas.

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 5117-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 94 - ZONING AND LAND DEVELOPMENT REGULATIONS, ARTICLE XIX, SECTION 94-611, DEFINITIONS, TO REMOVE DEFINITIONS OF TERMS NO LONGER APPLICABLE AND TO MODIFY TERMS REGARDING FLOODPLAIN MANAGEMENT TO COMPLY WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S REQUIREMENTS; DECLARING THIS AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5117-24 amending Chapter 94. Zoning and Development Regulations, Article XIX - Definitions. This motion is based upon the factual testimony presented, the staff report, the recommendation of the Planning Board, and the findings that the proposed amendment complies with all the amendment standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

Background Information:

The City of West Palm Beach has been a participant in the National Flood Insurance Program (NFIP) since March 1, 1979, and the City desires to continue to meet the requirements of Title 44 Code of Regulations, Sections 59 and 60. These sections are required for participation in the program, which offers discounts to City residents for flood insurance.

Chapter 553, Florida Statutes, was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation, and enforcement of a state building code called the Florida Building Code. Local technical amendments to the Florida Building Code that provide more stringent requirements to implement the National Flood Insurance Program and incentives can be made.

On September 14, 2017, the City of West Palm Beach adopted Ordinance No. 4729-17, Chapter 94, Zoning and Land Development Regulations, Article XVII, Flood Prevention Control in its entirety,

including Sections 94-541 thru 94-547, which were repealed with an effective date of October 5, 2017.

On June 20, 2024, FEMA issued a Letter of Final Determination for the Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) for the coastal areas of Palm Beach County to include the City of West Palm Beach. These updates by FEMA provided updated FIRMs for all coastal portions of the County. The FIS and FIRM and their associated potential flood zones will become effective on December 20, 2024.

In order to comply with FEMA and National Flood Insurance Program (NFIP) regulations, the City must adopt the FIS and FIRM no later than December 20, 2024, in order to meet or exceed the minimum NFIP requirements. This adoption is being accomplished through Ordinance No. 5116-24.

However, while examining Chapter 94 "Zoning and Land Development Regulations," for compliance, it was discovered that there were terms that have been discontinued; therefore, should be removed from Section 94-611 of the ZLDRs, since all necessary flood terms have been placed in Chapter 18 "Building and Building Regulations" by Ordinance No. 4729-17 which became effective as of October 5, 2017. This text amendment will effectively resolve these issues with Chapter 94.

These amendments were presented to the Planning Board on October 16, 2024, and approved by a 5 - 0 vote.

- 8.3. Public Hearing and Second Reading of Ordinance No. 5119-24 approving a third amendment to the "Consolidated and Amended Lease Between the City of West Palm Beach and West Palm Beach Marina, Inc.," (with The Waterview Towers Condominium Association) to extend the expiration date from May 10, 2073 to May 9, 2123; establishing rents for the extended period; and creating rent credits applicable to the lease; and

Public Hearing and Second Reading of Ordinance No. 5120-24 approving a fifth amendment of lease for the extended submerged marina premises.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

ORDINANCE NO. 5119-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A THIRD AMENDMENT TO THE CONSOLIDATED AND AMENDED LEASE BETWEEN CITY OF WEST PALM BEACH AND WEST PALM BEACH MARINA, INC. (NOW THE WATERVIEW TOWERS CONDOMINIUM ASSOCIATION, INC.) TO EXTEND THE EXPIRATION DATE TO MAY 9, 2123, ESTABLISHING RENTS AND

CREDITS; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 5120-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A FIFTH AMENDMENT OF LEASE FOR EXTENDED SUBMERGED MARINA PREMISES BETWEEN THE CITY AND LEISURE RESORTS, LLC, TO ALLOW FOR A TERM EXTENSION UNDER CERTAIN CONDITIONS; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

I move to continue consideration of Ordinance No. 5119-24 to the commission meeting scheduled to begin at 5:00 p.m. on December 23, 2024, at the City of West Palm Beach City Hall Commission Chambers, 401 Clematis Street, West Palm Beach, Florida 33401; and

I move to continue consideration of Ordinance No. 5120-24 to the commission meeting scheduled to begin at 5:00 p.m. on December 23, 2024, at the City of West Palm Beach City Hall Commission Chambers, 401 Clematis Street, West Palm Beach, Florida 33401.

- 8.4. Public Hearing and First Reading of Ordinance No. 5118-24 amending the Code of Ordinances at Chapter 2 to reflect the name change of the Office of Small and Minority Business Programs; and at Chapter 66 to amend the definition of small business; establish small business participation as a requirement when set; increasing the maximum small business participation to 18% for construction and master contracts; and reorganizing and clarifying several provisions.

Originating Department:

Mayor's Office

Ordinance/Resolution:

ORDINANCE NO. 5118-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES AT CHAPTER 2 – ADMINISTRATION, DIVISION 1 – MAYOR’S OFFICE, TO REFLECT THE NAME CHANGE OF THE OFFICE OF SMALL AND MINORITY BUSINESS PROGRAMS; FURTHER AMENDING THE CODE OF ORDINANCES AT CHAPTER 66 – PROCUREMENT, ARTICLE IX – SMALL BUSINESS PROGRAM, TO REFLECT THE OFFICE NAME; AMENDING THE DEFINITION OF SMALL BUSINESS; ESTABLISHING SMALL BUSINESS PARTICIPATION AS REQUIRED WHEN A PARTICIPATION LEVEL IS ESTABLISHED; INCREASING THE MAXIMUM SMALL BUSINESS PARTICIPATION TO 18% FOR CONSTRUCTION AND MASTER CONTRACTS UNDER THE PROGRAM; AND REORGANIZING AND CLARIFYING SEVERAL

PROVISIONS; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5118-24 on First Reading and schedule Second Reading on December 9, 2024.

Background Information:

It is the policy of the City of West Palm Beach that all businesses be afforded an opportunity for full participation in the City's procurement system. In enactment of the policy, the City of West Palm Beach established its Small Business Program Ordinance to spur economic development by encouraging small businesses to locate and remain in Palm Beach County, especially within the City, and to provide for participation of small businesses in City contracts.

The City's Office of Economic Opportunity was established by Mayor Keith A. James to ensure fair business practices in the City of West Palm Beach. For clarification, the office has since been renamed as the Office of Small and Minority Business Programs ("OSMB"). The OSMB is responsible for coordinating and facilitating programs that foster workforce development, business development, and professional education and training. The OSMB welcomes small-, minority-, and women-owned businesses to be active participants in the City's procurement process. The OSMB educates and informs all businesses on how to work with the City. OSMB staff also tracks the compliance of City departments and prime contractors on their inclusivity, diversity and accessibility of procurement solicitation.

Since the initiation of their small business programs, the City and Palm Beach County have maintained the same definition of a small business, in order to be able to recognize each other's certified small businesses and not require these businesses to be certified by both government agencies. Palm Beach County's recent market analysis has caused the County to adjust the annual adjusted gross margin of a business to be considered a "small business." The City desires to maintain reciprocity with Palm Beach County and desires to amend the definition of small business to mirror the County's definition.

OSMB staff has worked to engage and educate small businesses throughout the City and has collected sufficient data to demonstrate that a higher level of small business participation can be maintained, and recommends amendment of the Small Business Program Ordinance to establish an 18% participation by small businesses in all contracts under the program.

Additionally, to clarify and strengthen the intent behind the Small Business Program, the OSMB recommends that small business

participation in City contracts for construction and master contracts be required rather than considered merely a goal.

Ordinance No. 5118-24 reflects the Office of Small and Minority Business Programs' name change; amends the definition of small business; establishes small business participation as a requirement for construction and master contracts and when otherwise set; increases the maximum small business participation to 18% for construction and master contracts; and reorganizes and clarifies several provisions.

Fiscal Note:

No fiscal impact.

- 8.5. Public Hearing and Second Reading of Ordinance No. 5112-24 for a Future Land Use (FLU) Map Amendment to change the FLU designation of an approximately 9.897-acre tract located at 1101 South Flagler Drive from the existing Community Services (CS) FLU designation to Multi-Family (MF) FLU designation.

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 5112-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF WEST PALM BEACH, FLORIDA, BY CHANGING THE FUTURE LAND USE DESIGNATION OF AN APPROXIMATELY 9.897 ACRE PARCEL, GENERALLY LOCATED AT 1101 SOUTH FLAGLER DRIVE, FROM COMMUNITY SERVICE TO A MULTIFAMILY FUTURE LAND USE DESIGNATION; DECLARING THE PROPOSED AMENDMENT TO THE FUTURE LAND USE MAP TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5112-24, changing the Future Land Use designation of ±9.897-acres of land located at 1101 South Flagler Drive, from Community Service (CS) to Multifamily (MF) future land use designation.

This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board, and the findings that the amendment complies with the provisions of Chapter 163, Florida Statutes, and the Florida Administrative Code (FAC), and is in accordance with the City's Comprehensive Plan. Additionally, the proposed amendment meets the Future Land Use (FLU) Amendment Justification Standards found in Future Land Use Element Policy 1.1.5

and 1.1.6 of the City's Comprehensive Plan, based on changed assumption(s) and the applicable provisions of section 94-33 of the land development regulations.

Background Information:

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

Located on the west side of South Flagler Drive, approximately 400 feet south of Okeechobee Boulevard, the subject property, 1101 South Flagler Drive, consists of ±9.897 acres and is the current location of the First Baptist Church of West Palm Beach, comprised of a Church, a school campus with auxiliary daycare use, a parking garage with offices and open surface parking lots. With the exception of the existing First Baptist Church, all other structures located on the site are proposed to be demolished for the redevelopment of the property.

The applicant proposes redeveloping the site with a mixed-use development comprised of a new church with school campus, multi-family residential units with two (2) parking garages, and restaurant uses. The First Baptist Church was founded in 1901 and has served the community to this date. The First Baptist Church of West Palm Beach Community Service Planned Development (CSPD) was originally approved in 1998, with the adoption of Ordinance No. 3156-98, followed by several site improvements and minor amendments along the years.

The subject property currently has a CS FLU designation originally approved in 1998 with the adoption of Ordinance No. 3156-98. Since the adoption of the City's Comprehensive Plan and the assignment of the CS FLU to the site, the development pattern of the surrounding area and the related demands for public services has dramatically evolved, especially in the Downtown and surrounding areas east of Interstate 95. As such, with the future redevelopment of the property, the applicant proposes to change the FLU designation for the ±9.897-acre tract from the existing Community Services (CS) FLU designation to Multi-Family (MF) FLU designation.

The existing historical Family Church, as well as the redevelopment of the School/Daycare component will continue to operate on-site, as its use will occupy less than 30% of the site as permitted per Ordinance No. 5071-23 of the WPB Comprehensive Plan. More specifically, the non-residential Use Area in the RPD is proposed to occupy 19.7% of the total area.

The proposed MF32 FLU designation on the current CS tract is compatible with other residential projects and other residential developments adjacent to the subject property, such as Coastal Towers apartments directly to the north, Forte' on Flagler, Towers Residence and La Clara to the south, and Trianon and The Bristol residence directly to

the east. These multifamily residential developments reinforce the compatibility of multifamily uses, architectural characters, and the existing integration of shared common vertical structures on multiple developments within the surrounding area.

As part of any proposed FLU amendment, each level of service (LOS) elements is reviewed to determine if the new FLU designation would cause any increase in impact, and if so, whether or not the capacity is available to accommodate the additional demand.

The above-described amendments to the FLU map will allow the development to have an FLU designation that is consistent with the use that has existed on the property for approximately 30 years. Additionally, the change of the Community Service tract to Multifamily (MF) is consistent with much of the development that is found along the corridor of South Flagler Drive and within the surrounding neighborhood. It is staff's professional opinion that the proposed FLU designation is compatible and appropriate for the subject property and, subject to the voluntary restriction, will not create any impact that would be detrimental or incompatible with the surrounding area.

Concurrent with the proposed FLU amendment described above, the applicant has submitted a rezoning application to change the property's zoning designation from Community Service (CS) to Multifamily High-Density (MF32) with a further rezoning to Residential Planned Development (RPD). This accompanying application, which includes the incorporation of an additional permitted use and a site plan with waivers is addressed in Ordinance No. 5113-24.

PLANNING BOARD

After a Public Hearing on September 17, 2024, the Planning Board recommended approval (7-0) 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 property, and signs were posted on the subject property. Per Ordinance No. 5112-24, it was advertised in the Palm Beach Post on November 15, 2024.

COMMISSION DISTRICT

Commission District 5: Commissioner Christina Lambert.

9.PUBLIC HEARING - QUASI-JUDICIAL-ITEM 9.1 WAS APPROVED; ITEM 9.2 WAS CONTINUED

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

9.1. Public Hearing and Second Reading of Ordinance No. 5113-24 regarding a termination of the First Baptist Church Community Service Planned Development (CSPD), located generally at 1101 South Flagler Drive, and amending the zoning map of the City of West Palm Beach to rezone the approximately 9.897-acre former family church site from Community Service Planned Development (CSPD) to Community Service (CS) zoning designation; and

Public Hearing and Second Reading of Ordinance No. 5114-24 regarding a rezoning of ±9.897-acres located generally at 1101 South Flagler Drive, from Community Service (CS) to Multifamily High-Density (MF-32) zoning designation, with a further rezoning to a Residential Planned Development (RPD); and

Resolution No. 225-24 regarding the establishment of the development regulations and conditions for the Residential Planned Development (RPD) and the granting of waivers from the Zoning and Land Development Regulations.

The above-referenced requests are being made by David Harrison, agent of Related Company, and Tyler Woolsey, agent of Urban Design Studio, on behalf of Family Church 1, LLC (the Owner), for the redevelopment of the First Baptist Church with a mixed-use development comprised of a new church with school campus, multifamily residential units with two (2) parking garages, and restaurant uses.

Originating Department:
Development Services

Ordinance/Resolution:
ORDINANCE NO. 5113-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, TERMINATING THE FIRST BAPTIST CHURCH COMMUNITY SERVICE PLANNED DEVELOPMENT GOVERNED BY RESOLUTION NO. 251-13, LOCATED GENERALLY AT 1101 SOUTH FLAGLER DRIVE; AND AMENDING THE ZONING MAP OF THE CITY OF WEST PALM BEACH TO REZONE THE APPROXIMATELY 9.897 ACRE FORMER FIRST BAPTIST CHURCH SITE FROM COMMUNITY SERVICE PLANNED DEVELOPMENT TO COMMUNITY SERVICE ZONING DESIGNATION; DECLARING THIS ZONING MAP AMENDMENT 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. 5114-24: AN ORDINANCE OF THE CITY

COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF WEST PALM BEACH BY REZONING APPROXIMATELY 9.897 ACRE PARCEL LOCATED GENERALLY AT 1101 SOUTH FLAGLER DRIVE, FROM COMMUNITY SERVICE ZONING DESIGNATION TO MULTIFAMILY HIGH-DENSITY ZONING DESIGNATION, WITH A FURTHER REZONE TO A RESIDENTIAL PLANNED DEVELOPMENT ZONING DESIGNATION, WITH AN ACREAGE WAIVER, TO CREATE THE REDEVELOPMENT OF THE FAMILY CHURCH 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 A CONFLICT CAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 225-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ESTABLISHING THE DEVELOPMENT REGULATIONS FOR THE REDEVELOPMENT OF THE FAMILY CHURCH RESIDENTIAL PLANNED DEVELOPMENT, WHICH CONSISTS OF THE FAMILY CHURCH CAMPUS, MULTIFAMILY RESIDENTIAL TOWERS AND COMMERCIAL USE, LOCATED GENERALLY AT 1101 SOUTH FLAGLER DRIVE; GRANTING WAIVERS TO THE ZONING AND LAND DEVELOPMENT REGULATIONS; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICT CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5113-24, terminating the First Baptist Church Community Service Planned Development (CSPD) governed by Resolution No. 251-13, and amending the zoning map of the City of West Palm Beach to rezone the former First Baptist Church development from Community Service Planned Development (CSPD) zoning designation, to Community Service (CS) zoning designation. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board, and the findings that the amendment complies with the Comprehensive Plan of the City of West Palm Beach, and the provisions of Chapter 94 of the City's Zoning and Land Development Regulations (ZLDR).

Approve Ordinance No. 5114-24 to change the zoning designation of ±9.897-acres located at 1101 South Flagler Drive from Community Service (CS) to Multifamily High-Density (MF-32) zoning designation, with a further rezoning to Residential Planned Development (RPD) zoning designation with an acreage waiver, to create the Family Church of West Palm Beach Residential Planned Development (RPD). This motion is based upon the application submitted, the staff report, factual testimony,

the recommendation of the Planning Board, and the findings that the request complies with the Comprehensive Plan and the standards in Sections 94-32, 94-35(c), 94-204 and 94-207 of the City's Zoning and Land Development Regulations.

Approve Resolution No. 225-24, establishing the development regulations and waivers for the redevelopment of the Family Church Residential Planned Development (RPD), which consists of the Family Church Campus with school and accessory daycare use, two (2) multi-family residential towers with commercial use and two (2) parking garages. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board, and the findings that the request complies with the Comprehensive Plan and the standards in Sections 94-32, 94-35(c), 94-204 and 94-207 of the City's Zoning and Land Development Regulations.

Background Information:

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

Located on the west side of South Flagler Drive, approximately 400 feet south of Okeechobee Boulevard, the subject property, 1101 South Flagler Drive, consists of ±9.897-acres and is the current location of the First Baptist Church of West Palm Beach, comprised of a Church, a school campus with auxiliary daycare use, a parking garage with offices and open surface parking lots. The First Baptist Church was founded in 1901 and has served the community since this date.

The First Baptist Church of West Palm Beach Community Service Planned Development (CSPD) was originally approved in 1998, with the adoption of Ordinance No. 3156-98, followed by several site improvements and minor amendments. Currently, the applicant proposes to redevelop the site with a new church with a school campus and auxiliary daycare use, and a new mixed-use development consisting of two (2) multi-family residential towers comprised of 190 dwelling units, and restaurant uses at the ground level.

In order to effectuate their plans and to incorporate a mixed-use development, classified as Residential, Multifamily, as a newly permitted use and to allow the request of certain waivers from the City's Zoning and Land Development Regulations (ZLDRs), a termination of the current PD, followed by the rezoning of the property, from Community Service Planed Development (CSPD) to Community Service (CS) zoning designation, and from Community Service (CS) to Multifamily High-Density (MF-32) Residential zoning designation, with a further rezoning to Residential Planned Development (RPD) is required for consistency with the Comprehensive Plan, and with criteria and standards provided in Section 94-32 of the City's Zoning and Land Development Regulations.

As such, the applicant has submitted the following requests under the following Ordinances:

- Ordinance No. 5113-24 allows for the termination of the First Baptist Church Community Service Planned Development (CSPD), followed by the rezoning of the site, from Community Service Planned Development (CSPD) zoning designation, to Community Service (CS) zoning designation. This amendment is required to allow the property to rezone to a residential planned development.
- Ordinance No. 5114-24 allows for the rezoning of the subject property from Community Service (CS) to Multifamily High-Density (MF32) zoning designation, with a further rezoning to Residential Planned Development (RPD). All of the development regulations will be approved in Resolution No. 225-24.

PROPOSED PLANNED DEVELOPMENT (RESOLUTION NO. 225-24)

As with the change in the FLU designation, the rezoning of the family church redevelopment to MF32 with a further rezoning to RPD would allow it to continue operating as a religious facility campus with school and daycare uses while having a residential zoning designation that is consistent with the two residential towers proposed on the site.

The applicant proposes to demolish all existing structures (including the enclosed parking garage), with the exception of the principal place of worship, which will remain. The remainder of the site will include the construction of two (2) parking garages, two (2) new residential towers with restaurants, and new structures for the school, daycare, and surface parking areas.

As previously stated, the eastern boundary of the parcel is South Flagler Drive. Since this area is unable to be developed due to the roadway easement, the eastern setback for the site is measured from what is designated as the west right-of-way of South Flagler Drive. Normally, MF32 requires a 25-foot front setback; however, in order to comply with the greater setbacks required of recent developments along this section of South Flagler Drive, the applicant has provided setbacks that vary between 70 and 94 feet from South Flagler Drive. Within this setback area, the applicant is proposing an eight (8)-foot wide public sidewalk flanked by trees and a publicly accessible open space along south Flagler Drive.

The site is directly bounded on the south by Acacia Road, and by two separate privately owned parcels, known as Flagler Residential Condominium, and a Presbyterian Church. The side setback for MF32 is

15 feet, unless the building exceeds 40 feet in height, then the required side setback is determined by the height of the building with one foot of setback required for each two feet in building height. The development proposes the construction of two (2) high-end residential towers, the north tower, consisting of a 359'-5"- foot (368.00' NAVD) tall building, and the south tower, consisting of 329'-5"(338.00'NAVD). The applicant has requested side setback waivers based on the building height of the south tower. The north tower meets all side setbacks, according to the ZLDR.

The parcel fronts South Olive Avenue along its west boundary. Since the frontage is opposite the South Flagler Drive frontage, the parcel has double frontage and requires a 25-foot setback from South Olive Avenue. It is important to note that, while the principal structure complies with the required setbacks applicable to the RPD zoning district, the outdoor play areas do not comply with the specific use regulations requiring day care play areas to be located outside of the front setback, therefore, waivers are required for the outdoor play area of the accessory daycare use, and for the outdoor activity area front setback of the School use along South Olive Avenue.

Additionally, the applicant requests relaxation of the ZLDR requirements for the number of maximum access points per adjacent roadway, for the Total Access Points on the property, and Separation of Access Points along South Olive Avenue and South Flagler Drive.

LIST OF WAIVERS

A complete list of waivers requested by the applicant is described below and fully analyzed in the attached Planning Board Staff Report:

- Waiver # 1: Section 94-207(c)(2) – Minimum Land Area
- Waiver # 2: Section 94-77(a)(3) - Maximum Building Height & Reductions of Side Setback
- Waiver # 3: Section 94-312(1)(a) – Maximum Access Points per Adjacent Roadway
- Waiver # 4: Section 94-312(1)(b) – Total Access Points
- Waiver # 5: Section 94-312(2)(a) – Separation of Access Points
- Waiver # 6: Section 94-273(d)(17)(b)(4) - Outdoor Play Area Front Setback (Daycare use)
- Waiver # 7: Section 94-273(d)(68)(b)(3)(ii) - Outdoor Activity Area Front Setback (School use)

The proposed modifications for the church campus on the north of the property and the construction of a multifamily residential development with restaurant uses on the remaining south portion of the property will certainly provide for an increase in activity in the area bringing an influx of new residents and general public to a property that has been used as a parking lot and remained mostly underutilized for a long time. The residential development will bring new residents and a continued investment in the area.

It is staff's professional opinion that particular circumstances justify the redevelopment of the site with a new church with school campus and a new mixed-use development. The proposed RPD complies with the City's Comprehensive Plan, and that the proposed development, with the waivers granted, will comply with the standards required by the Zoning and Land Development Regulations.

PLANNING BOARD

After a Public Hearing on September 17, 2024, the Planning Board recommended approval (7-0) of the request to the City Commission.

PUBLIC NOTICE

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

COMMISSION DISTRICT

Commission District 5: Commissioner Christina Lambert.

- 9.2. Resolution No. 229-24 approving the replat of approximately 2.38-acres (103,758 square feet) of real property generally located at 180 Lakeview Avenue and 809 South Flagler Drive, as is associated with the One Flagler office and First Church of Christ Scientist developments.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 229-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE CONSOLIDATION AND REPLAT OF REAL PROPERTY TO CREATE THE PLAT ENTITLED "ONE FLAGLER" CONSISTING OF TWO (2) DEVELOPMENT TRACTS "A" AND "B" TOTALING APPROXIMATELY 2.38 ACRES (103,758 SQUARE FEET) GENERALLY LOCATED AT 180 LAKEVIEW AVENUE AND 809 SOUTH FLAGLER DRIVE; PROVIDING AN EFFECTIVE DATE; AND FOR

OTHER PURPOSES.

Staff Recommended Motion:

I move to continue consideration of Resolution No. 229-24 to the commission meeting scheduled to begin at 5:00 p.m. on December 9, 2024, at the City of West Palm Beach City Hall Commission Chambers, 401 Clematis Street, West Palm Beach, Florida 33401.

10. 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.

11. COMMENTS BY THE MAYOR AND CITY COMMISSIONERS

12. ADJOURNMENT-6:21 P.M.

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

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