



**City of West Palm Beach
City Commission**

**DRAFT
AGENDA**

**October 22, 2018
5:00 P.M.**

IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), PERSONS IN NEED OF A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHALL, WITHIN THREE DAYS PRIOR TO ANY PROCEEDING, CONTACT THE CITY CLERK'S OFFICE, 401 CLEMATIS STREET, WEST PALM BEACH, FLORIDA 33401, {(561) 822-1210}

**MAYOR
GERALDINE MUOIO**

CITY COMMISSION

PRESIDENT PAULA RYAN

**COMMISSIONER KELLY SHOAF
COMMISSIONER KEITH JAMES**

**COMMISSIONER CORY NEERING
COMMISSIONER CHRISTINA LAMBERT**

ADMINISTRATION

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

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

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

- Officials shall be recognized by the Chair and shall not interrupt a speaker.
- Public comment shall be addressed to the City Commission as a whole and not to any individual on the dais or in the audience.
- Displays of anger, rudeness, ridicule, impatience, lack of respect and personal attacks are strictly prohibited.
- Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted.
- Offenders may be removed from the meeting.

ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA:

PRESENTATION AND AWARDS OF MERIT (1-3):

1. Tribute to Mrs. Ineria Elizabeth Hadley Hudnell to be accepted by her son Mr. Earl Hudnell.
[Agenda Cover Memorandum No.: 22132](#)
2. Proclaiming October 21-October 28, 2018 as Walk for Unity Week. Proclamation to be accepted by a Representative of Alpha Media.
[Agenda Cover Memorandum No.: 22133](#)
3. Presentation regarding The School District of Palm Beach County Property tax amendment by Mike Burke, Chief Financial Officer and Dr. Debra Robinson Member of the School Board.
[Agenda Cover Memorandum No.: 22140](#)

CONSENT CALENDAR (4-18):

4. **Minutes of the Regular City Commission Meeting of August 27, 2018.**
[Agenda Cover Memorandum No.: 22127](#)

Staff Recommended Motion:
Approve the Minutes of the Regular City Commission Meeting held on August 27, 2018.
5. **Minutes of the Special City Commission Meeting of September 13, 2018.**
[Agenda Cover Memorandum No.: 22128](#)

Approve the Minutes of the Special City Commission Meeting held on September 13, 2018.
6. **Minutes of the Regular City Commission Meeting of September 24, 2018.**
[Agenda Cover Memorandum No.: 22135](#)

Staff Recommended Motion:

Approve the Minutes of the Regular City Commission Meeting held on September 24, 2018.

7. Minutes of the Special City Commission Meeting of September 27, 2018.

[Agenda Cover Memorandum No.: 22136](#)

Staff Recommended Motion:

Approve the Minutes of the Special City Commission Meeting held on September 27, 2018.

8. City Commission approval is requested for the Mayor's reappointment of James M. Carman to the Zoning Board of Appeals for a term of three years (3) to expire September 1, 2021. Mr. Carman has served over the maximum allowed number of terms (3) and it is required that the City Commission confirms his reappointment.

[Agenda Cover Memorandum No.: 22129](#)

9. City Commission approval is requested for the Mayor's reappointment of Beverly Elliot Morrison to the Nuisance Abatement Board for a term of two years (2) to expire on September 28, 2020. Ms. Morrison has served over the maximum allowed number of terms (3) and it is required that the City Commission confirms her reappointment.

[Agenda Cover Memorandum No.: 22131](#)

10. Resolution No. 295-18 authorizing the approval of a project agreement amendment with the Florida Inland Navigation District (FIND) providing a one year extension for the completion of Currie Park Boating Access Improvements.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A PROJECT AGREEMENT AMENDMENT BETWEEN FLORIDA INLAND NAVIGATION DISTRICT AND THE CITY OF WEST PALM BEACH PROVIDING A ONE YEAR EXTENSION FOR USE OF THE \$428,000 GRANT FUNDING FOR THE CURRIE PARK BOAT ACCESS IMPROVEMENT PROJECT-PHASE II; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22130](#)

Staff Recommended Motion:

Approve Resolution No. 295-18.

Background:

By Resolution No. 79-16, the City Commission authorized submission to FIND for a matching 50/50 Waterway Assistance Grants for Phase II of the Currie Park Boating Improvements. Phase II includes completion of the staging dock designs, construction of the docks and dredging of the boat basin and water taxi access.

By Resolution No. 344-16, the City Commission authorized the approval of a grant agreement with the Florida Inland Navigation District (FIND) providing \$428,000 in funding for Currie Park Boating Access Improvements; and Resolution No. 345-16(F) recognizing the grant funds.

The City has requested and has been granted a one year extension to complete the improvements by September 2019.

Fiscal Note:

Approval will provide the time necessary to complete the project and complete grant reimbursement in the amount of \$428,000.

11. **Resolution No. 300-18 approving an amendment to the Economic Development Incentive Grant Agreement with STI Holdings Datura, LLC., extending the project completion date from October 31, 2018 to January 31, 2019.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE ECONOMIC DEVELOPMENT INCENTIVE GRANT AGREEMENT BETWEEN STI HOLDINGS DATURA, LLC, AND THE CITY OF WEST PALM BEACH REGARDING THE EXTENSION OF THE PERFORMANCE PERIOD; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22134](#)

Staff Recommended Motion:

Approve Resolution No. 300-18.

Background:

By Resolution No. 405-17, the City approved an economic development incentive Grant Agreement with STI Holdings Datura, LLC, which agreed to provide an economic incentive grant of up to \$200,000 for the historic restoration of the facade of the building located at 313 Datura Street. The improvements included the renovation of the historic structure's original facade and designation as a historic structure consistent with the U.S. Secretary of Interior's standards for historic structures. The Grant Agreement required STI Holdings to complete the historic restoration, complete the Local Register/Designation process, obtain the Final Certificate of Occupancy for the renovations, be open to the public for business and to submit all requisite documentation to the City by October 31, 2018. Due to the delicate nature of the renovation and unforeseen delays due to the specific work on the building, STI Holdings has requested an extension of the grant deadline. After discussions with the property owner, City staff recommends that the grant be extended one time until January 31, 2019. This grant is being funded in part by the City and in part by the West Palm Beach Community Redevelopment Agency. The January 31, 2019 deadline is consistent with the deadline set for the CRA's funding commitment.

The 313 Datura Street project helps the City's economic development goals by restoring and designating a historic structure.

Resolution No. 300-18 approves an amendment to the Grant Agreement to extend the project completion date to January 31, 2019.

COMMISSION DISTRICT: This project is located in District 3 represented by Commissioner Paula Ryan.

Fiscal Note:

No budget changes.

12. Resolution No. 305-18 approving an amendment to the contract with Avalanche Consulting, Inc. for Economic Development Strategy Services.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE SECOND AMENDMENT TO THE CONTRACT BETWEEN AVALANCHE CONSULTING, INC. AND THE CITY OF WEST PALM BEACH FOR CONSULTING SERVICES RELATED TO ECONOMIC DEVELOPMENT STRATEGY SUPPORT.

[Agenda Cover Memorandum No.: 22141](#)

Staff Recommended Motion:

Approve Resolution No. 305-18.

Background:

In March 2018, the City engaged Avalanche Consulting, Inc. to perform an economic study of the City's industries, jobs, housing and other factors that impact economic development in order to update its Economic Development Strategy Plan. In September, 2018, Avalanche released the Economic Study which provided an updated analysis of the City's economic position as well as analysis of Demographics and Consumer Market; Asset Inventory and Business Climate Actions; Land Value Analysis for the City; and Key Sectors. The Study was a product of a partnership with the Community Redevelopment Agency, Downtown Development Authority, Chamber of Commerce of the Palm Beaches and the overall business community.

The City now desires to amend the original agreement and retain Avalanche to provide additional strategic planning support services which will assist the City and stakeholders in the development of an Economic Development Strategy built from the findings of the 2018 study. Avalanche will host stakeholder workshops, provide best practice research, and help create economic development vision, goals, and priority activities. The Consultant will assist the City in creation of a revised Economic Development Strategy that is grounded in the latest data and study findings.

Resolution No. 305-18 approves an amendment to the original agreement and authorizes Avalanche to perform the additional strategic planning support services for a fee not to exceed \$33,800 for these services.

This project will impact economic development citywide and is relevant to all Commission Districts.

Fiscal Note:

Fully budgeted in Economic Development.

13. **Resolution No. 306-18 authorizing and directing the Mayor to execute the agreement by and between the City of West Palm Beach and Happily Ever After Event Planners for healthy snacks for the City's after school program participants.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN AGREEMENT BY AND BETWEEN THE CITY OF WEST PALM BEACH AND HAPPILY EVER AFTER EVENT PLANNERS TO PROVIDE HEALTHY SNACKS FOR AFTER SCHOOL PROGRAM PARTICIPANTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22142](#)

Staff Recommended Motion:

Approve Resolution No. 306-18.

Background:

In Palm Beach County and in the City of West Palm Beach, many children are only receiving one (1) balanced meal a day, qualifying for free and reduced lunch in our schools. The State of Florida Department of Health (FDOH) in partnership with the US Department of Agriculture (USDA) administers a reimbursement child care food program for child care providers.

The Department of Parks and Recreation developed the City's after-school program to provide a healthy snack during after-school care at the four (4) after-school program locations; Coleman Park Community Center, Gaines Park Community Center, Howard Park Community Center, and South Olive Community Center. As part of the after-school program, the City of West Palm Beach provides a snack and, when appropriate, an evening meal to the program participants, with the understanding of the importance of nutrition for children to develop healthy minds and bodies. City staff estimates that through the Child Care Food program, the City may serve approximately 4,500 snacks/meals to children enrolled in our after-school programs.

By Resolution No. 181-15, the City of West Palm Beach executed a Permanent Contract with the State of Florida, Department of Health, for reimbursement of the costs of snacks and meals served, food program administration and supplies for the after-school care program.

Resolution No. 306-18 approves an agreement with Happily Ever After Event Planners, a state-approved caterer for the Child Care Food Program, to provide healthy snacks at the after-school program locations.

Fiscal Note:

Program budgeted per Res. No. 260-18(F) passed on Sep 24, 2018.

14. **Resolution No. 310-18 calling for a General City Election to be held on Tuesday, March 12, 2019, for the purpose of electing one (1) Mayor and two (2) City Commissioners and calling for a General City Run-off Election to be held on Tuesday, March 26, 2019, if necessary.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, CALLING FOR A GENERAL CITY ELECTION TO BE HELD ON TUESDAY, MARCH 12, 2019 FOR THE PURPOSE OF ELECTING ONE (1) MAYOR AND TWO (2) CITY COMMISSIONERS; CALLING FOR A GENERAL CITY RUN-OFF ELECTION TO BE HELD ON TUESDAY, MARCH 26, 2019, IF NECESSARY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22143](#)

Staff Recommended Motion:

Approve Resolution No. 310-18.

Background:

The City Charter and the Code of the City of West Palm Beach provide that a General City Election be called by the City Commission on March 12, 2019, for the purpose of electing one (1) Mayor and two (2) City Commissioners: one (1) residing in District 2 and one (1) residing in District 4. These laws also require that a General Run-off Election be called by the City Commission on March 26, 2019, and held on such date in the event of necessity thereof as to any of the aforesaid offices.

Fiscal Note:

Fully budgeted.

15. **Resolution No. 311-18 requesting the Palm Beach County Supervisor of Elections to conduct the General City Election on March 12, 2019, and, if necessary, the March 26, 2019 General City Run-Off Election, and delegating the duties of the City of West Palm Beach Canvassing Board to Susan Bucher, Palm Beach County Supervisor of Elections, and Hazeline Carson, City Clerk.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, REQUESTING THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS TO CONDUCT THE GENERAL CITY ELECTION OF MARCH 12, 2019, AND, IF NECESSARY, THE MARCH 26, 2019 GENERAL CITY RUN-OFF ELECTION; AND DELEGATING THE DUTIES OF THE CITY OF WEST PALM BEACH CANVASSING BOARD TO SUSAN BUCHER, PALM BEACH COUNTY SUPERVISOR OF ELECTIONS, AND HAZELINE CARSON, CITY CLERK, FOR THE GENERAL CITY ELECTION OF MARCH 12, 2019, AND THE MARCH 26, 2019 GENERAL CITY RUN-OFF

ELECTION, IF NECESSARY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22144](#)

Staff Recommended Motion:

Approve Resolution No. 311-18.

Background:

Section 5.06 of the City's Charter provides for the conduct of City elections. The City requests that the Palm Beach County Supervisor of Elections conduct the general City election of March 12, 2019 and, if necessary, the March 26, 2019 general City run-off election. Under Section 30-8 of the City's Code of Ordinances, the City Commission has the option to delegate the duties of the Canvassing Board to the Palm Beach County Supervisor of Elections by resolution adopted by the City Commission. The Supervisor of Elections requires that, if duties of the Canvassing Board are delegated to the Supervisor of Elections, that a representative of the municipality be a member of the Canvassing Board. This resolution requests that the Palm Beach County Supervisor of Elections conduct the upcoming elections and delegates the duties of the City's Canvassing Board to the Palm Beach County Supervisor of Elections and the City Clerk.

Fiscal Note:

Fully budgeted.

16. **Resolution No. 307-18 approving an Agreement for Vote Processing Equipment Use and Election Services with the Palm Beach County Supervisor of Elections for vote processing equipment use and election services.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY AND THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS FOR VOTE PROCESSING EQUIPMENT USE AND ELECTION SERVICES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22145](#)

Staff Recommended Motion:

Approve Resolution No. 307-18.

Background:

Resolution No. 307-18 approves an Agreement with the Supervisor of Elections for Vote Processing Equipment Use and Election Services. The Agreement is substantially similar to ones previously entered into between the City and the Supervisor of Elections. The Agreement requires the City to indemnify the Supervisor of Elections for any claims arising out of the City's negligence and to defend any legal challenge relating to the municipal election and be responsible for all legal costs including attorneys' fees for the defense of the municipality and the Supervisor of Elections.

Fiscal Note:

Fully budgeted.

17. **Resolution No. 308-18 authorizing the assessment of city liens in the total amount of \$30,339.31 for unpaid water service, sewer service, and stormwater service charges for the month of June 2018.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING AN ASSESSMENT OF CITY LIENS FOR UNPAID WATER SERVICE, SEWER SERVICE, AND STORMWATER SERVICE; PROVIDING THAT SAID LIENS SHALL BE PRIOR IN DIGNITY TO ALL OTHER LIENS AGAINST THE ASSESSED PROPERTIES, SAVE AND EXCEPT A LIEN FOR TAXES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22146](#)

Staff Recommended Motion:

Approve Resolution No. 308-18.

Background:

In accordance with the Code of Ordinances of the City of West Palm Beach, Florida, 2003, Sections 90-4 and 90-5, the City imposes liens on private real property for delinquent payments due for utility services. The liens to be assessed by Resolution No. 308-18 are for unpaid water service, sewer service, and stormwater service charges for the month of June 2018. The list of properties to be assessed and the associated charges totaling \$30,339.31 are attached to Resolution No. 308-18 as EXHIBIT A - Utility Lien List - June 2018 (002). If not paid, these liens may be foreclosed by the City.

Fiscal Note:

No fiscal impact.

18. **Resolution No. 318-18 accepting the award of \$66,777.00 in grant funding from the U.S. Department of Justice Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program for the purchase of specialized equipment and Resolution 319-18(F) appropriating the funding.**

RESOLUTION NO. 318-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A U.S. DEPARTMENT OF JUSTICE, EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE FORMULA GRANT (JAG) FOR THE PURCHASE OF SPECIALIZED EQUIPMENT FOR THE WEST PALM BEACH POLICE DEPARTMENT IN THE AMOUNT OF \$66,777.00; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 319-18(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE

APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2018/2019 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GRANT PROGRAMS SPECIAL REVENUE FUND BUDGET TO PROVIDE APPROPRIATIONS FOR THE RECEIPT OF THE 2018 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE FORMULA GRANT (JAG) PROCEEDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22147](#)

Staff Recommended Motion:

Approve Resolution No. 318-18 and No. 319-18(F).

Background:

On September 24, 2018 Resolution 272-18 was approved by the City Commission ratifying the City's application for the 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) Program from the U.S. Department of Justice to upgrade forensic firearms technology. On October 1, 2018 the City was notified that the grant was awarded. Grant award number 2018-DJ-BX-0872 for the project titled IBIS TRAX HD3D Integrated Ballistic Identification System. The funds will be used for the purchase of hardware which is compatible with the latest TRAX software version provided by ATF. The estimated cost for the hardware acquisition is \$90,000. The police department intends to pay for the difference from forfeiture funds.

Resolution No. 318-18 provides for acceptance of the grant.

Resolution No. 319-18 (F) provides budget appropriations in the amount of \$66,777.00.

Fiscal Note:

Upon approval, \$66,777 will be available in grant fund 199.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

RESOLUTIONS (19-21):

- 19. Resolution No. 296-18 granting "Face of the City" approval of above-ground design features in connection with the Currie Park Green Streets Stormwater Improvements project on Flagler Drive between 34th Street and 35th Street.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING AND APPROVING THE ABOVE-GROUND DESIGN FEATURES PRESENTED TO THE CITY COMMISSION FOR THE IMPROVEMENTS IN CONNECTION WITH THE CURRIE PARK GREEN STREETS STORMWATER IMPROVEMENTS PROJECT ON FLAGLER DRIVE BETWEEN 34TH STREET AND 35TH STREET;

PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22148](#)

Staff Recommended Motion:

Approve Resolution No. 296-18.

Background:

Section 66-13 of the City of West Palm Beach Code of Ordinances requires City Commission approval of design features for above-ground changes involving streets, parks, buildings, or landscaping. Accordingly, the proposed improvements on Flagler Drive between 34th Street and 35th Street (the "Project") require "Face of the City" approval.

On April 24, 2017, the City accepted a Cooperative Funding grant from the Florida Department of Environmental Protection (FDEP) in the amount of \$175,000 to fund the Currie Park Water Quality and Low Impact Development Retrofits (Resolution No. 103-17, Agreement No. LP50031). The improvements relating to the grant commitment focuses on the water quality retrofits while the overall improvements project addresses infrastructure replacements. The project is considered a low impact development stormwater project as documented by the City as part of the Stormwater Master Plan.

The objective of the Project is to reduce flooding in the Currie Park drainage basin while providing innovative treatment benefits within the Lake Worth Lagoon basin. This project is a demonstration for low impact development stormwater retrofits as identified in the FDEP agreement. The Project involves construction of a bioswale on the northwestern corner of Flagler Drive and 35th Street intersection to enhance water quality and stormwater treatment while reducing nuisance flooding in the area. An overflow stormwater structure will also be installed at the bottom of the bioswale to direct stormwater away from the intersection and will connect to the City stormwater system that directs flow southward on Flagler Drive. All selected plants and grass are Florida friendly and drought tolerant and will be blended with the surrounding area to enhance esthetics.

Bioswales are part of the toolbox available to the City to reduce nonpoint source pollution. A bioswale is a carefully engineered depression (a swale) that is carefully planted so that treatment of stormwater and pollutant uptake can be achieved. The bioswales at the Flagler Drive and 35th Street will provide numerous benefits that include but are not limited to: treatment of stormwater, aquifer recharge, reduction of heat island effects, improved esthetics for residents and visitors, and educational demonstration of advanced stormwater treatment techniques.

The target construction start for the Project is March 2019 for approximately five (5) months duration. Funding for the Project will be provided from the Storm Water Series 2017A Construction Fund 48A and the Water & Sewer Renewal & Replacement Fund 454. The cooperative funding grant from FDEP is recognized in the Storm Water Utility Renewal and Replacement Fund 485.

Resolution No. 296-18 approves the above ground design features for the stormwater improvements on Flagler Drive between 34th Street and 35th Street.

COMMISSION DISTRICT - This Project is located in Commission District No. 1 - Commissioner Kelly Shoaf.

Fiscal Note:

Budgeted funds available: Storm Water Series 2017A Construction Fund 48A \$459,000; Storm Water Utility Renewal & Replacement Fund 485 \$175,000; Water & Sewer Renewal & Replacement \$120,000.

20. **Resolution No. 317-18 granting "Face of the City" approval of above-ground design features in connection with the Water Main Improvements 31st, 32nd, 33rd, 34th and 35th Streets project.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING AND APPROVING THE ABOVE-GROUND DESIGN FEATURES PRESENTED TO THE CITY COMMISSION FOR WATER MAIN IMPROVEMENTS AS PART OF THE 31ST, 32ND, 33RD, 34TH AND 35TH STREETS PROJECT; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22149](#)

Staff Recommended Motion:

Approve Resolution No. 317-18.

Background:

Section 66-13 of the City of West Palm Beach Code of Ordinances requires City Commission approval of design features for above-ground changes involving streets, parks, buildings, or landscaping. Accordingly, the proposed improvements on Water Main Improvements at 31st, 32nd, 33rd, 34th and 35th Streets (the "Project") require "Face of the City" approval.

The Project is located in the Northwood Hills Neighborhood south of 36th Street between the Florida East Coast (FEC) and the South Florida Regional Transportation Authority (SFRTA) railroad. The project limit includes: 31st Street, between Windsor Avenue and Greenwood Avenue, and 32nd through 35th Street, between Windsor Avenue and Westview Avenue.

The scope of work involves the reconstruction of roadway (pavement, curbs, sidewalks, and driveways), replacement of existing aging water infrastructure and point repairs to sewer infrastructure. Additional traffic calming improvements includes decorative mini circles in the intersection of 31st and S Terrace Drive and narrowing of the proposed roadway. The proposed yield street design are residential two-way streets with parking on one side with design speed less than 20 mph with 23 ft. between curb face to curb face. The proposed yield street design will result in less impervious area which will

reduce both storm runoff and urban heat island effect. It will create a larger separation between the roadway and the sidewalk and overall contributes to the City's Sustainability Goal.

The target construction start for the Project is April 2019 for approximately eighteen (18) months duration. Funding for the Project will be provided from the Utility System Revenue Bond, Series 2017A (Fund 45A), Fund 485 and Citywide Roadway Improvements Fund 325.

Resolution No. 317-18 approves the above ground design features for the Water Main Improvements 31st, 32nd, 33rd, 34th and 35th Streets project.

COMMISSION DISTRICT: The Project is located in Commission District 1: Commissioner Kelly Shoaf.

Fiscal Note:

325-042100-541-500460-90146542 - Citywide Roadway Improvements for roadway improvements.

- 21. Resolution No. 262-18 granting "Face of the City" approval of above-ground design features in connection with the improvements of Lift Station 4, located in Dreher Park North, north of Summit Boulevard.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING AND APPROVING THE ABOVE-GROUND DESIGN FEATURES PRESENTED TO THE CITY COMMISSION FOR THE IMPROVEMENTS OF LIFT STATION 4, LOCATED IN DREHER PARK NORTH, NORTH OF SUMMIT BOULEVARD; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22154](#)

Staff Recommended Motion:

Approve Resolution No. 262-18.

Background:

Section 66-13 of the City of West Palm Beach Code of Ordinances requires City Commission approval of design features for above-ground changes involving streets, parks, buildings, or landscaping. Accordingly, the proposed improvements in Lift Station 4 (the "Project") require "Face of the City" approval.

Lift Station 4 is located in Dreher Park, along Dreher Trail North, approximately 380 feet north of Summit Boulevard. The existing pump station, built in 1950's, is located within the maintenance facility owned by Parks & Recreation. The new lift station will be constructed just north of the existing site. The above ground improvements at the new lift station will include the installation of a new chain link fence and double swing gate that are fitted with a landscape coordinated photo screen, new hedging and trees along the

fence line, re-sodding and a concrete access driveway approach. Within the fenced enclosure will be a concrete pad for a portable standby generator, new submersible lift station, control panel, fall protection, aluminum railings and remote telemetry unit.

The target construction start for the Project is March 2019 for approximately eight (8) months duration. Funding for the Project will be provided from the Utility System Revenue Bonds, Series 2017A (Fund 45A).

Resolution No. 262-18 approves the above ground design features for the Lift Station 4 project site.

COMMISSION DISTRICT: This Project is located in Commission District No.5 - Commissioner Christina Lambert.

Fiscal Note:

Funding for Lift Station 4 Improvements is appropriated in the Water & Sewer Series 2017A Construction Fund 45A. Project No. 51867420 - \$750,000.

PUBLIC HEARING (22-27):

22. **Public Hearing and First Reading of Ordinance No. 4809-18 amending the City Charter, on approval of the electorate, to qualify for appointment as an at-large member of the audit committee if a City resident or if an employee or owner of a business located in the City.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, SUBJECT TO VOTER APPROVAL, AT SEC. 4.05 "INTERNAL AUDITOR" TO PROVIDE AT-LARGE MEMBERS MAY BE CITY RESIDENTS OR BE EMPLOYEES OR OWNERS OF BUSINESSES LOCATED IN THE CITY OF WEST PALM BEACH; PROVIDING A MUNICIPAL ELECTION BE HELD ON MARCH 12, 2019 TO APPROVE OR REJECT THE PROPOSED AMENDMENT TO THE CITY CHARTER; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22137](#)

Staff Recommended Motion:

Approve Ordinance No. 4809-18 and schedule Second Reading for November 5, 2018.

Background:

Section 4.05, Internal Auditor, of the City of West Palm Beach Charter, established an audit committee to ensure independence of the audit function and to coordinate internal audit work. The audit committee is comprised of five voting members three of whom are appointed by the commission as at-large members. The Charter requires the at-large members to be City residents with experience in auditing preferably internal or management auditing and at least two of whom shall be a certified public accountant or a

certified internal auditor. The City has been unable to fill one of the three at-large members. The Audit Committee recommended a change in the residency requirements of the at-large members to allow one to qualify if either a resident of the City or an employee or owner of a business in the City of West Palm Beach with the requisite experience.

Section 166.031 provides that a municipality may amend its Charter by ordinance and requires the City to place the proposed amendment contained in the ordinance to a vote at the next general election held within the municipality or at a special election called for such purpose.

Ordinance No. 4809-18 sets forth the proposed amendment and ballot question to be posed to the electorate during the March 12, 2019 election.

23. Public Hearing and Second Reading of Ordinance No. 4774-18 amending and restating the Code of Ordinances at Chapter 78, Article XI regarding Communications Services Facilities in the Public Right of Way.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES TO AMEND AND RESTATE CHAPTER 78 – STREETS, SIDEWALKS AND PUBLIC PLACES, ARTICLE XI - “TELECOMMUNICATIONS AND WIRELESS COMMUNICATIONS” - SECTIONS 78-381 THROUGH 78-407; RENAMING ARTICLE XI “COMMUNICATIONS SERVICES FACILITIES IN THE PUBLIC RIGHT OF WAY”; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22155](#)

Staff Recommended Motion:

Approve Ordinance No. 4774-18.

Background:

Chapter 78, Article XI of the City Code of Ordinances regulates communication service facilities and wireless communication service facilities in the City rights-of-way. Communications service facilities include equipment such as fiber optic cables, conduits, antennas and poles, for the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method now in existence or hereafter devised.

The Florida Legislature enacted Section 337.401(7), Florida Statutes, entitled the “Advanced Wireless Infrastructure Deployment Act” (the “Act”) which pre-empted some local regulations and dictated regulations regarding the placement of communications facilities in the public right of way.

The City of West Palm Beach desires to amend and replace the relevant Article XI of Chapter 78 in the City Code in order to reflect the changes in the Act; to ensure compliance with the Federal Telecommunications Act of 1996; and to ensure non-discriminatory treatment of all communications service providers; and

Ordinance No. 4774-18 amends and re-states Chapter 78, Article XI of the City Code. The Ordinance incorporates the restrictions on local government regulation from the Act. The Ordinance also streamlines the registration and permitting sections. Any communication services provider intending to install facilities within the City right-of-way must register with the City. A communications placement permit must also be obtained for each placement of a facility in the right-of-way, unless exempted by the Act or other law.

Ordinance No. 4774-18 also provides, as is allowed by law, that any new poles which a communications services provider wishes to install in the right of way must be comparable in style and configuration to existing street light fixtures and that any communications service facility equipment must be located within the pole structure itself.

24. Public Hearing and Second Reading of Ordinance No. 4815-18 amending Chapter 26 of the Code of Ordinances of the City of West Palm Beach to include alternate nuisance abatement board members.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING CHAPTER 26 (CODE ENFORCEMENT) OF THE CODE OF ORDINANCES, ARTICLE 4 (ABATEMENT OF NUISANCES), DIVISION 2 (NUISANCE ABATEMENT BOARD), SECTION 26-121 (CREATED; MEMBERSHIP) TO ADD TWO ALTERNATE MEMBERS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND CONFLICT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22156](#)

Staff Recommended Motion:

Approve Ordinance No. 4815-18 on second reading.

Background:

In 1987, the Florida Legislature amended Chapter 893, Florida Statutes, by adopting Section 893.138 providing for local administrative action relating to public nuisances. The City Commission first adopted its nuisance abatement regulations in 1989 as restated in Ord. No. 3422-01. Section 26-121 provides that the nuisance abatement board shall consist of five members and Section 26-123 provides that the presence of three or more members of the nuisance abatement board shall constitute quorum. The nuisance abatement board currently meets the first Tuesday of each month and a quorum is frequently not met. The board may not convene as a result. Ordinance No. 4815-18

amends section 26-121 to add two alternate nuisance abatement board members to better ensure a quorum.

25. Public Hearing and Second Reading of Ordinance No. 4793-18 approving the designation of 401 North Flagler Drive on the West Palm Beach Local Register of Historic Places.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DESIGNATING 401 NORTH FLAGLER DRIVE, AS A HISTORIC PROPERTY ON THE WEST PALM BEACH REGISTER OF HISTORIC PLACES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22138](#)

Staff Recommended Motion:

Approve Ordinance No. 4793-18, designating 401 North Flagler Drive, aka the former Dade County State Bank building, as a Historic Site on the West Palm Beach Register of Historic Places. This motion is based upon the recommendation of the Historic Preservation Board, the factual testimony presented, the application submitted, the staff report, and the finding that the criteria set forth in Sec. 94-48 of the Zoning and Land Development Regulations have been met.

Background:

The property at 401 North Flagler Drive, also known as the former Dade County State Bank building and Johnny's Playland, is a City owned one-story Frame Vernacular building constructed ca. 1893 and is located at the northwest corner of North Flagler Drive and 4th Street. Records suggest that it was constructed in Jupiter in the early 1890's and opened on Palm Beach Island on May 11, 1893. By 1897, it was moved to Clematis Street where it remained in closed proximity to the commercial activities downtown. At one time, the building hosted a real estate office, a dentist, a barber, a beauty shop and the longest use, as Johnny's Playland, in the midcentury. The building, which has been relocated several times during its existence, maintains integrity of design, materials, workmanship, feeling and association. The building at 401 North Flagler Drive is eligible for listing on the West Palm Beach Register of Historic Places as a significant example of early frame vernacular architecture and as one of the oldest remaining commercial structures in the city. It meets Criteria A and C as defined in Article IV, Section 1 of the Historic Preservation Ordinance (3554-02). Specifically, the building is at least 50 years old; it is associated with events that have made a significant contribution to the broad patterns of the City's history; and it embodies the distinctive characteristics of a type, period or method of construction, or that represent the work of a master.

COMMISSION DISTRICT: Commission District No. 3, Commissioner Ryan.

Fiscal Note:

No fiscal impact.

26. Public Hearing and Second Reading of Ordinance No. 4794-18 approving the Local Landmark designation of 418 North Sapodilla Avenue, also known as St. Patrick's Episcopal Church, on the West Palm Beach Local Register of Historic Places.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DESIGNATING 418 NORTH SAPODILLA AVENUE, AS A HISTORIC LANDMARK PROPERTY ON THE WEST PALM BEACH REGISTER OF HISTORIC PLACES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22139](#)

Staff Recommended Motion:

Approve Ordinance 4794-18, designating 104 North Sapodilla Avenue, as a Historic Site on the West Palm Beach Register of Historic Places. This motion is based upon the recommendation of the Historic Preservation Board, the factual testimony presented, the application submitted, the staff report, and the finding that the criteria set forth in Sec. 94-48 of the Zoning and Land Development Regulations have been met.

Background:

St. Patrick's Episcopal Church is a contributing property to the Northwest Historic District, which was locally designated in 1992, and resurveyed in 2009 to include an expanded period of significance until 1960. This is the City's only primarily African-American neighborhood and has seen significant disinvestment over the last twenty years. The neighborhood consists mainly of one and two-story frame and masonry vernacular houses, yet it also has a proportionately high number of vacant lots. Founded before the turn of the century by mostly Bahamian settlers, the Episcopal congregation first met on the island of Palm Beach as an outgrowth of the segregated Bethesda-By-the-Sea group. By 1921, the group constructed the first church building in West Palm Beach only to lose it during the Hurricane of 1928. The sister church assisted with reconstruction efforts and in 1929, a new Gothic Revival church designed by the prestigious architectural firm of Harvey & Clarke was constructed. For the last ninety years, this church has served the community as a beacon of religious and community support. St. Patrick's Episcopal Church derives its significance from its architectural style, its function as a religious organization with targeted community engagement, and its importance to the Northwest district.

It is the City staff's recommendation that the Board APPROVE the applicant's request to designate the building at 418 North Sapodilla Avenue, also known as St. Patrick's Episcopal Church, as a Historic Landmark. It meets Criteria A, B, D and E as defined in Section 94-48(a)(2) from the Zoning and Land Development Regulations. Specifically, the building is at least 50 years old, it is associated with events that have made a significant contribution to the broad patterns of the City's history, it embodies the distinctive characteristics of a type, period or method of construction, and is associated with a singular location that is unique or possesses singular physical characteristics that make it an established or familiar visual feature. It retains integrity of design, materials, workmanship, and location.

COMMISSION DISTRICT: The property is located in Commission District No. 3, Commissioner Paula Ryan.

Fiscal Note:

No fiscal impact.

27. **Public Hearing and First Reading of Ordinance No. 4818-18 declaring a Zoning in Progress for sidewalk cafes; and establishing temporary regulations for the placement of sidewalk cafe seating along the 300 block of Clematis Street.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA DECLARING A ZONING IN PROGRESS FOR SIDEWALK CAFES WITHIN THE 300 BLOCK AND OTHER RECONSTRUCTED AREAS OF CLEMATIS STREET; ESTABLISHING TEMPORARY REGULATIONS FOR SIDEWALK CAFÉS IN THE RECONSTRUCTED AREAS; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING A SUNSET CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22151](#)

Staff Recommended Motion:

APPROVE Ordinance No. 4818-18 at First Reading, declaring a Zoning in Progress for sidewalk cafe seating, and establishing temporary regulations for the placement of sidewalk cafe seating along the 300 block of Clematis Street and other areas as they are reconstructed, and scheduling Second Reading on November 5, 2018.

Background:

Since 1894, Clematis Street has been the hub of the West Palm Beach business district – and in more recent years, dubbed the “living room” of the buzzing downtown community. With a goal to attract businesses and residents to the city center, the City of West Palm Beach continues to take a proactive approach to maintain and improve the heart of downtown. Known today as the “Main Street,” residents and tourists converge to shop, dine, do business, relax, and have fun. In keeping with the City’s vision of a city built and designed with quality of life at the forefront, the City is currently completing Phase I of the multi-phase Clematis Streetscape project. The Phase I encompasses the complete reconstruction of the 300 block of Clematis Street, and includes wider sidewalks, replacement of hardscape surfaces, additional public seating areas and shade. The construction of the improvements is set for completion by October 31, 2018, and with its completion a brand new public realm will be available to use by pedestrians.

Considering the new public realm will include a substantially larger space for pedestrians to enjoy, Planning staff recommends that a temporary set of regulations be established for sidewalk cafes which consider the new quality of the space. The proposed regulations limit the use of sidewalk cafes to the area immediately adjacent to the building facade. Restaurants and cafes will be allowed to set up tables and chairs in an area approximately five (5) feet in depth by the total width of the restaurant frontage. The remainder of the

new public realm to remain free of paid seating for at least six months to allow the general public to explore the space and determine what is the best use of the space, and how it should be allocated, and Planning staff to analyze the public's use of this space. The temporary regulations are necessary while a full evaluation of the use of the new public realm is completed and new regulations are drafted.

Ordinance No. 4848-18 declares a moratorium on the acceptance of applications for new sidewalk café seating and establishes temporary regulations for existing sidewalk café seating along the 300 block of Clematis Street, and other areas of Clematis Street as they are reconstructed.

Planning staff will bring forward new regulations to address the use of the sidewalks within the reconstructed areas of Clematis Street, including sidewalk cafes.

Fiscal Note:

No fiscal impact.

**PUBLIC HEARING – QUASI-JUDICIAL (28-30):
DISCLOSURE OF EX PARTE COMMUNICATIONS, IF
ANY* SWEARING IN OF WITNESSES**

- 28. Public Hearing and Second Reading of Ordinance No. 4811-18: Regarding a Future Land Use Map amendment to change the designation of ±0.771 acres located at 1100 Southern Boulevard from Community Service to Commercial; and**

Public Hearing and Second Reading of Ordinance No. 4812-18: Regarding a rezoning to change the zoning designation of ±0.771 acres located at 1100 Southern Boulevard from Recreation Open Space to Neighborhood Commercial.

The above-referenced requests are City-initiated.

ORDINANCE NO. 4811-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF WEST PALM BEACH, FLORIDA, BY CHANGING THE FUTURE LAND USE DESIGNATION OF ±0.771 ACRES LOCATED AT 1100 SOUTHERN BOULEVARD FROM COMMUNITY SERVICE TO COMMERCIAL; DECLARING THE PROPOSED AMENDMENT TO THE FUTURE LAND USE MAP TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4812-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF WEST PALM BEACH TO REZONE ±0.771 ACRES LOCATED AT 1100 SOUTHERN BOULEVARD FROM RECREATION OPEN SPACE TO NEIGHBORHOOD COMMERCIAL; DECLARING THIS ZONING

MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22150](#)

Staff Recommended Motion:

APPROVE Ordinance No. 4811-18, changing the Future Land Use designation of ±0.771 acres located at 1100 Southern Boulevard from Community Service to Commercial. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board and the findings that the request complies with one of more of the standards found in Future Land Use Element Policy 1.1.5 of the City's Comprehensive Plan.

APPROVE Ordinance No. 4812-18, changing the zoning designation of ±0.771 acres located at 1100 Southern Boulevard from Recreation Open Space to Neighborhood Commercial. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board and the findings that the request complies with the Comprehensive Plan and the standards in Section 94-32 of the City's Zoning and Land Development Regulations.

Background:

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

Located on the south side of Southern Boulevard, west of Parker Avenue, the subject property consists of ±0.771 acres and currently contains a single-story office building (±3,700 square feet) and associated parking lot.

The property was separately deeded to the City with an existing office building in 1984 and is adjacent to the northeast corner of Dreher Park. The property is the former office location of the City's Parks & Recreation Department. Thereafter, the property was leased to the Palm Beach Zoo for use as an accessory office and storage space, but was not fully utilized. The building and parking lot have deteriorated and in essence, been abandoned. As such, the City has been in discussions to potentially cancel the lease with the Zoo and to sell the property.

As the property is adjacent to Dreher Park and was previously utilized by Parks & Recreation, it currently has a Community Service (CS) Future Land Use (FLU) designation and a Recreation Open Space (ROS) zoning designation; as such designation allowed for the Parks & Recreation Department offices. However, in order to make it viable for sale and allow office and commercial uses on the site, the City is proposing to amend the Future Land Use and Zoning Maps, making the FLU and zoning designations consistent with the existing commercial corridor along Southern Boulevard east of the subject property.

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

PLANNING BOARD: At a Public Hearing of the City's Planning Board on August 30, 2018, there was a motion to recommend approval of the request to the City Commission, but the motion failed for a lack of a majority vote (3-3).

PUBLIC NOTICE: Individual notices were mailed to all property owners within 500 feet of the property, and signs were posted on the subject property. Ordinance No. 4811-18 was advertised on September 17, 2018 and will again be advertised on October 17, 2018. Second Reading of Ordinance No. 4812-18 will be advertised in the Palm Beach Post on October 12, 2018.

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

Fiscal Note:

No fiscal impact.

Second Reading of Ordinance No. 4812-18 will be advertised in the Palm Beach Post on October 12, 2018.

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

Fiscal Note:

No fiscal impact.

- 29. Public Hearing and First Reading of Ordinance No. 4814-18: Regarding the transfer of the site plan approvals and development conditions relating to the Southwind Commercial Planned Development to a separate resolution; and**

Discussion of Resolution No. 273-18: Approving a Major Amendment to the Southwind Commercial Planned Development to construct a 4,500 square feet freestanding fast food restaurant and make other site improvements.

All of the above-referenced items are being requested by Jason Kraus, on behalf of 5335 Military LLC.

ORDINANCE NO. 4814-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING ORDINANCE NO. 1864-85, AS AMENDED, RELATING TO THE SOUTHWIND COMMERCIAL PLANNED DEVELOPMENT, GENERALLY LOCATED ON THE SOUTHWEST CORNER OF MILITARY TRAIL AND 45TH STREET, TO

TRANSFER THE SITE PLAN APPROVALS AND RELATED CONDITIONS TO A SEPARATE RESOLUTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 273-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE SOUTHWIND COMMERCIAL PLANNED DEVELOPMENT, GENERALLY LOCATED ON THE SOUTHWEST CORNER OF MILITARY TRAIL AND 45TH STREET, TO MAKE REVISIONS TO THE APPROVED MASTER PLAN AND TO AMEND THE SITE PLAN ACCORDINGLY; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22152](#)

Staff Recommended Motion:

APPROVE Ordinance No. 4814-18, transferring the site plan approvals and related conditions for the Southwind Commercial Planned Development to a separate resolution.

DISCUSS Resolution No. 273-18 which will approve a Major Amendment to the Southwind Commercial Planned Development to construct a 4,500 square foot freestanding drive-thru fast food restaurant and make other site improvements.

Background:

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

The site is located on the southwest corner of Military Trail and 45th Street. On August 13, 1984, the City Commission adopted Ordinance No. 1799-84, rezoning approximately 16.85 acres on the southwest corner of Military Trail and 45th Street from Single Family Residential (R-1) to Neighborhood Shopping District (C-1), and a further rezoning to a Commercial Planned Unit Development (CPUD), establishing "MILITARY PLAZA." The City Commission later adopted Ordinance No. 1864-85, which reallocated square footage and changed the name of the CPUD to "THE PLAZA SHOPPING CENTER." A 119,994 square foot retail building and a 5,945 square foot drive-thru bank building were subsequently constructed in 1987 and 1988, respectively.

In February 2018, an application for a Major Planned Development Amendment was submitted by Jason Kraus on behalf of 5335 Military LLC, to construct a 4,500 square foot freestanding drive-thru fast food restaurant and 17,850 square foot retail building and make other site improvements. While the 17,850 square foot retail building was reflected in the approved master plan, the 4,500 square foot freestanding drive-thru fast food restaurant building was not, and thus necessitates a Major Planned Development Amendment to the Southwind CPD. Other changes proposed include adding landscape islands to increase tree canopy, additional internal pedestrian connections, and a PalmTran stop on the northwestern corner of the site.

CONCLUSION: In Staff's professional opinion, the proposed amendment to the Southwind Commercial Planned Development complies with the standards required by the City's Comprehensive Plan and the Zoning and Land Development Regulations. Therefore, Staff is recommending approval.

PLANNING BOARD: After a Public Hearing on August 30, 2018, the Planning Board unanimously recommended approval (7-0) of the request.

Individual notices were mailed to all property owners within 500 feet of the property and signs were posed on the subject property. Ordinance No. 4814-18 and Resolution No. 273-18 will be advertised in the Palm Beach Post in advance of Second Reading.

COMMISSION DISTRICT: The Southwind CPD is located in Commission District No. 4 - Commissioner Keith James.

- 30. Public Hearing and First Reading of Ordinance No. 4816-18 - A rezoning from a General Commercial zoning designation to Commercial Planned Development to create the Top Self Storage Commercial Planned Development and granting a waiver of the minimum acreage requirements.**

Discussion of Resolution No. 292-18 - Establishing the Top Self Storage CPD development regulations, including the approval of waivers, to construct an approximately 194,709 square foot self-storage building and accessory office.

Discussion of Resolution No. 303-18 - Approving the re-plat to create the plat entitled "TOP SELF STORAGE REPLAT".

ORDINANCE No. 4816-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF WEST PALM BEACH BY REZONING AN APPROXIMATELY 4.47 ACRE PARCEL LOCATED AT 516 MONCEAUX ROAD FROM A GENERAL COMMERCIAL ZONING DESIGNATION TO COMMERCIAL PLANNED DEVELOPMENT TO CREATE THE TOP SELF STORAGE COMMERCIAL PLANNED DEVELOPMENT; GRANTING A WAIVER OF THE MINIMUM AREA REQUIRED; PROVIDING FOR THE ESTABLISHMENT OF DEVELOPMENT REGULATIONS BY SEPARATE RESOLUTION; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REVISING THE ZONING MAP OF THE CITY ACCORDINGLY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION No. 292-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ESTABLISHING THE DEVELOPMENT REGULATIONS, INCLUDING THE SITE AND LANDSCAPE PLANS AND BUILDING ELEVATIONS, FOR THE TOP SELF STORAGE COMMERCIAL PLANNED DEVELOPMENT LOCATED AT 516 MONCEAUX

ROAD; GRANTING WAIVERS TO THE ZONING AND LAND DEVELOPMENT REGULATIONS; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION No. 303-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A PLAT OF REAL PROPERTY TO CREATE THE PLAT ENTITLED "TOP SELF STORAGE REPLAT", CONSISTING OF TWO PARCELS CONTAINING A TOTAL OF APPROXIMATELY 4.47 ACRES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 22153](#)

Staff Recommended Motion:

APPROVE Ordinance No. 4816-18, a rezoning to change the approximately 4.47 acres from a General Commercial zoning designation to a Commercial Planned Development Zoning Designation to create the Top Self Storage Commercial Planned Development, and granting a waiver of the minimum area required. This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and the findings that the rezoning is consistent with the Comprehensive Plan and complies with the standards found in Section 94-32 of the City's Zoning and Land Development Regulations. The City Commission finds that particular circumstances justify the reduction of the planned development acreage to less than five (5) acres and that the requirements for the planned development district zoning and the benefits to be derived from the planned development district zoning can be derived in such lesser area.

DISCUSS Resolution No. 292-18, establishing the development regulations for the Top Self Storage CPD and granting waivers to certain requirements of the Zoning and Land Development Regulations.

DISCUSS Resolution No. 303-18, approving the re-plat to create the plat entitled "TOP SELF STORAGE REPLAT".

Background:

516 Monceaux Road is a narrow 4.47 acre parcel north of Hampton Road, east of Georgia Avenue, south of Monceaux Road, directly abutting the FEC tracks to the west. The site contains three existing buildings (Buildings A, B, and C) separated by common walls consisting of a total of 73,003 square feet. The buildings were originally constructed in 1960 with various additions made in 1973 and 1989. The site has been home to various commercial uses, and is currently vacant. Access to the site is via a driveway on the north and western portion of the parcel which connects to a large drive aisle extending to the southern half of the site, the majority of which is paved.

The applicant is proposing to develop a 194,709 square foot self-storage facility with an accessory office through a combination of renovating the existing buildings on site,

constructing two new buildings, and making various site improvements. Building A will be renovated to contain 1,500 square feet of office space and 4,803 square feet of limited access self-storage. Building B will be reconfigured to contain two stories for a total of 74,704 square feet of limited access self-storage. Building C will be similarly converted into three stories of the same use for a total of 91,956 square feet. The applicant is also proposing to construct two single story self-storage buildings on the southern portion of the site containing 8,000 square feet (Building D) and 13,740 square feet (Building E). All existing and proposed buildings will receive architectural treatments, and the applicant is also proposing to remove several parking spaces that are currently in close proximity to the FEC tracks, and this area will be replaced with landscaping, signage, and a bicycle rack. The applicant is also proposing to re-plat the property (Resolution No. 303-18), which currently consists of two parcels.

The proposed project requires the following five waivers which are fully described in Attachment 1 - Planning Board Staff Report. Staff does not object to any of the following requests:

- 1) Section 94-207(d)(2) Lot area for a CPD – Minimum 5 acres required, 4.47 acres proposed.
- 2) Section 94-207(b)(13), Table XV-6 – Minimum number of parking spaces - 57 required, 41 requested.
- 3.) Section 94-244 Table VII-3 Commercial Planned Development Districts Side Setback – 5 feet required, 0 feet provided.
- 4.) Section 94-244 Table VII-3 Commercial Planned Development Districts Corner Setback – 5 feet required, 0 feet provided.
- 5) Section 94-443(e)(1) Nonresidential and multifamily screening and buffering requirements – 30 percent required, 25 percent provided.

PLANNING BOARD: The Planning Board recommended approval (7-0) of the requests to the City Commission after a Public Hearing on August 30, 2018.

PUBLIC NOTICE: Individual notices were mailed to all property owners within 500 feet of the site. Signs were posted on the property on August 2, 2018. Ordinance No. 4816-18 was advertised in the Palm Beach Post on October 26, 2018.

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

COMMENTS BY THE CITY COMMISSIONERS:

COMMENTS BY THE MAYOR:

ADJOURNMENT:

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

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