



**City of West Palm Beach
City Commission**

PASS/FAIL AGENDA

**January 23, 2012
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 ISAAC ROBINSON, JR.

COMMISSIONER WILLIAM MOSS

COMMISSIONER KEITH JAMES

COMMISSIONER KIMBERLY MITCHELL

COMMISSIONER SYLVIA MOFFETT

ADMINISTRATION

CITY ADMINISTRATOR EDWARD MITCHELL

CITY ATTORNEY CLAUDIA M. MCKENNA

CITY CLERK JOANNA SHARP

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.

PRESENTATION AND AWARDS OF MERIT (1):

1. Presentation of Resolution No. 9-12 **ADOPTED** approving the site plan for Fire Station No. 5 and Emergency Operations Center.
[Agenda Cover Memorandum No.: 18749](#)

ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA:

RECEIVED / FILED:

CONSENT CALENDAR (2 – 11): ALL CONSENT ITEMS PASSED

2. **Approval of the Minutes of the City Commission Meeting held on January 9, 2012.**
[Agenda Cover Memorandum No.: 18760](#)

Staff Recommended Motion:

Approve the Minutes of the City Commission Meeting held on January 9, 2012.

3. **Approval of reappointment of Gregory Burdick and Patricia Sned to the Parks and Recreation Advisory Committee for a term of two years to expire on November 1, 2013. Mr. Burdick and Ms. Sned have served over the maximum allowed number of terms (3) and it is required that the City Commission confirms their reappointments.**
[Agenda Cover Memorandum No.: 18754](#)

Staff Recommended Motion:

Approve/Confirm Reappointments.

4. **Resolution No. 315-11 authorizing approval of settlement in the matter of Catherine Colantuoni and Ralph Colantuoni, her husband v. City of West Beach, filed in the**

**Fifteenth Judicial Circuit, Palm Beach County, Florida, Case No. 502011CA
002350XXXXMBAO.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING APPROVAL OF PROPOSED SETTLEMENT IN THE MATTER OF CATHERINE COLANTUONI and RALPH COLANTUONI v. CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 18758](#)

Staff Recommended Motion:

Approve Resolution No. 315-11.

Background:

Catherine Colantuoni and Ralph Colantuoni, her husband filed a lawsuit against the City of West Palm Beach for injuries sustained by Catherine Colantuoni as a result of a motor vehicle accident which occurred October 22, 2007. Resolution No. 315-11 authorizes settlement with Plaintiffs, Catherine Colantuoni and Ralph Colantuoni against the City, on all matters, in the amount of \$40,000.00.

5. **Resolution No. 23-12 authorizing the application for a Division of Library and Information Services, Library Services and Technology (LSTA) Grant partnering with Palm Beach County Workforce Alliance and the U.S. Department of Veterans Affairs.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE FLORIDA DEPARTMENT OF STATE, DIVISION OF LIBRARY AND INFORMATION SERVICES, FOR A LIBRARY SERVICES AND TECHNOLOGY GRANT THAT WILL ALLOW THE LIBRARY TO PARTNER WITH WORKFORCE ALLIANCE AND THE U.S. DEPARTMENT OF VETERANS AFFAIRS TO PROVIDE A CAREER CENTER FOR UNEMPLOYED CITIZENS OF WEST PALM BEACH AND UNEMPLOYED VETERANS; AUTHORIZING EXECUTION OF A GRANT AGREEMENT AND OTHER DOCUMENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 18761](#)

Staff Recommended Motion:

Approve Resolution No. 23-12.

Background:

This grant will expand on the activities provided by a previous LSTA grant (Career Catalyst) the library received in 2010. The West Palm Beach Public Library will partner with Workforce Alliance and the U.S Department of Veterans Affairs in West Palm Beach to expand services to unemployed citizens of West Palm Beach, with an emphasis

on assisting unemployed veterans. The grant will provide funds to furnish and staff a 12-seat computer lab to be used as a Career Center in existing space on the library's Technology Floor (2nd Floor). The Career Center will be staffed up to 40 hours/week by an employee of the local Workforce Alliance who will provide direct access to all Workforce Alliance benefits as well as providing career services such as resumé building, job searching, letter writing, etc. for veterans and other public library users. This person will be provided through a contract between the City and Workforce Alliance. Library staff will also continue to provide basic computer classes and workshops directly aimed at preparing people with the essential skills necessary to successfully use the internet and access the many resources to successfully compete in this global market. Instruction in Microsoft Word, Excel and PowerPoint will also be provided as basic skills in these programs are required for many jobs. In addition to basic computer classes, the library will offer a four-part "Life Support Series" quarterly featuring the following topics: Finding the Right Job for You; Resumes to Get That Job; Computer Skills and Resources for the Workforce; and Interviewing for Success. Included in the grant are funds to purchase career assistance and technology skills books and DVDs to expand the special collection started with the previous grant. The West Palm Beach Public Library is excited about this unique opportunity to further address the career needs of this community including our veterans as well as the opportunity to further develop the mutually beneficial relationship with Workforce Alliance of Palm Beach County and the local Department of Veterans Affairs.

Fiscal Note:

The Library matching requirement is \$25,000 to obtain \$75,000 in grant funding. The match will be provided by a combination of \$15,000 in-kind (staff time) and \$10,000 via local donation or General Fund dollars. The Workforce Alliance employee will be hired via a contract between the City and Workforce Alliance.

6. Resolution No. 12-12 authorizing and approving the purchase of Fine Arts insurance.

A RESOLUTION FOR THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING APPLICATION FOR AND EXECUTION OF ALL NECESSARY CONTRACTS FOR FINE ARTS INSURANCE COVERAGES FOR THE PERIOD JANUARY 1, 2012 - DECEMBER 31, 2012, AS RECOMMENDED BY THE CITY'S INSURANCE BROKER, ARTHUR J GALLAGHER & COMPANY; AUTHORIZING PAYMENT OF ALL INSURANCE PREMIUMS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 18759](#)

Staff Recommended Motion:

Approve Resolution No. 12-12.

Background:

The City owns a number of pieces of public art. The City also has begun holding exhibitions in the Waterfront Pavilion of fine art owned by others. Currently, these items are not insured. The City desires to procure insurance protection of existing City owned fine art pieces and exhibiting non-City owned fine art pieces by purchasing a Fine Arts Policy as recommended by our insurance brokers, AJ Gallagher Risk Management Services, Inc.

Fiscal Note:

No fiscal impact.

7. **Resolution No. 8-12 authorizing the assessment of City liens in the total amount of \$60,853.93 for unpaid water service, sewer service and storm water service for the month of September 2011.**

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.: 18755](#)

Staff Recommended Motion:

Approve Resolution No. 8-12.

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. 8-12 are for unpaid water, sewer and stormwater service charges for the month of September, 2011. The list of properties to be assessed and the associated charges totaling \$60,853.93 are attached to Resolution No. 8-12 as Exhibit A. If not paid, these liens may be foreclosed by the City.

Fiscal Note:

No fiscal impact.

8. **Resolution No. 11-12 authorizing submittal to Florida Department of Transportation (FDOT) an application for the Transportation, Community and System Preservation Program (TCSP) grant for fiscal year 2012 for the North Flagler Drive Bike Path Project continuation from 29th Street to 42nd Street.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING SUBMITTAL TO THE FLORIDA

DEPARTMENT OF TRANSPORTATION OF AN APPLICATION FOR A TRANSPORTATION, COMMUNITY AND SYSTEM PRESERVATION PROGRAM FOR FISCAL YEAR 2012 FOR THE NORTH FLAGLER DRIVE PROJECT FROM 29TH STREET TO 42ND STREET; AUTHORIZING A RELATED LOCAL AGENCY PROGRAM AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 18765](#)

Staff Recommended Motion:

Approve Resolution No. 11-12.

Background:

The proposed project includes reconstruction of North Flagler Drive from 29th Street to 42nd Street to maintain evacuation route connections, connectivity options for schools, business districts and recreation facilities. Transportation, Community and System Preservation program funds will be used to fund the surface improvements to the roadway. The improvements will include road surface replacement, sidewalk and curbs (including an 11' multi-use pathway), street and pedestrian lighting as well as landscaping enhancements. North Flagler Drive from 23rd Street to 29th Street is currently under construction and scheduled for completion in early 2012.

The North Flagler Drive Improvement Project provides a critical connection between disadvantaged neighborhoods and business centers with high economic impact. In addition, the surface improvements to the roadway will provide a "calming effect" with the addition of medians and landscaping. This Project will improve connectivity and greatly increase safety for all types of traffic using this corridor.

Fiscal Note:

No fiscal impact. Grant will fund all above ground improvements. If City requires replacement of underground utilities, the cost will be responsibility of the City.

9. **Resolution No. 16-12(F) providing the transfer of appropriations for previously approved grant programs and projects within the General Fund and the Capital Fund to two new funds: (1) Fund 199 Grant Programs Special Revenue Fund, and (2) Fund 399 Grant Capital Project Fund.**

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 2011/2012 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GENERAL FUND, CAPITAL PROJECTS FUND, AND THE CITY COMMONS & WATERFRONT PARK CONSTRUCTION FUND BUDGETS TO PROVIDE

FOR THE TRANSFER OF APPROPRIATIONS TO TWO NEW FUNDS FOR PREVIOUSLY APPROVED PROGRAMS AND PROJECTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 18763](#)

Staff Recommended Motion:

Approve Resolution No. 16-12(F).

Background:

The creation of two new funds will establish separate accounting for City program and project grants that are not recorded in specific Special Revenue Funds or Enterprise Funds. This is a house-keeping measure. The establishment of two new Funds will provide better tracking and reporting of grant funded projects.

Fiscal Note:

No fiscal impact. Changing the funds in which the grant funded projects are appropriated.

- 10. Resolution No. 13-12 authorizing the Mayor to execute a Memorandum of Understanding between participating agencies in the Palm Beach County sharing initiative known as the Law Enforcement Exchange (LEX) on behalf of the City of West Palm Beach Police Department.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN PARTICIPATING AGENCIES IN THE PALM BEACH COUNTY INFORMATION SHARING INITIATIVE KNOWN AS THE LAW ENFORCEMENT EXCHANGE (LEX) ON BEHALF OF THE CITY OF WEST PALM BEACH POLICE DEPARTMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 18756](#)

Staff Recommended Motion:

Approve Resolution No. 13-12.

Background:

By Resolution No. 553-08, the City of West Palm Beach was authorized by the City Commission to become a participant along with other law enforcement agencies in Palm Beach County in an information sharing initiative known as the Law Enforcement Exchange (LEX). Pursuant to Resolution No. 553-08, the Mayor was authorized to execute a Memorandum of Understanding among the participating agencies in the Palm Beach County information sharing initiative known as the Law Enforcement Exchange (LEX) (the "MOU"). The MOU was executed by the Mayor on December 15, 2008.

The City was recently contacted by the LEX, who requested that pursuant to the terms of the MOU, a new Memorandum of Understanding (MOU) was required to be executed by

the City's new Mayor, as the previous agreement was executed by former Mayor Lois Frankel.

The LEX system integrates relevant records of the participating agency, effectively providing each participating agency with a single source for regional law enforcement information and is available for use by participating law enforcement agencies in furtherance of authorized law enforcement activities as well as prevention and detection of terrorist risks and threats. Utilizing the LEX capabilities significantly advances public safety and security and enhances the protection of Palm Beach County.

The City of West Palm Beach Police Department has the authority under the Florida Mutual Aid Act, section 23.12, Florida Statutes et. seq., to enter into a combined mutual aid agreement for law enforcement services which permits voluntary cooperation and assistance of a routine law enforcement nature across jurisdictional lines. The participating law enforcement agencies in the LEX information sharing initiative include the North Palm Police Department, Boca Raton Police Department, Delray Beach Police Department, West Palm Beach Police Department, Lantana Police Department, Palm Beach Gardens Police Department, Jupiter Police Department, Juno Beach Police Department, Tequesta Police Department and Palm Beach County Sheriff's Office (PBSO).

Fiscal Note:

No fiscal impact.

11. **Resolution No. 14-12(F) amending the Fiscal Year 2011/12 Miscellaneous Trust Fund Budget to authorize appropriations in the amount of \$256,252 from State Law Enforcement Forfeiture Receipts for a Lenco BearCat tactical armored SWAT vehicle, protective covering, and associated materials and equipment.**

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 2011/2012 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE MISCELLANEOUS TRUST FUND BUDGET TO PROVIDE APPROPRIATIONS FROM THE STATE LAW ENFORCEMENT FORFEITURE RECEIPTS FOR A Lenco BEARCAT TACTICAL ARMORED SWAT VEHICLE, PROTECTIVE COVERING AND ASSOCIATED MATERIALS AND EQUIPMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 18762](#)

Staff Recommended Motion:

Approve Resolution No. 14-12(F).

Background:

In 2001, the average threat faced by Special Weapons and Tactics (SWAT) officers during armed confrontations was the handgun. Through the last decade, offenders have shifted to more powerful assault weapons, terror threats, explosives, and hostage stand-off's. Our department has responded to several such high-risk situations where this vehicle would have reduced the need for additional special response vehicles and personnel due to the enhanced off-road capabilities and the high level of armor and equipment it provides.

The Lenco BearCat armored vehicle is the Standard of the Industry and is currently used by the Palm Beach County Sheriff's Office (PBSO). The West Palm Beach Police Department SWAT team has relied on mutual aid from PBSO for access to their two armored vehicles. PBSO Bear Cat armored vehicles have been instrumental in the resolution of two SWAT callouts in recent months. The incidents resolved within 15 minutes of vehicle deployment. The WPBPD has evaluated the Lenco BearCat and wishes to procure this armored vehicle to be utilized by our Special Response teams and for protective measures as deemed necessary.

The State Law Enforcement Trust Fund expenditure of \$256,252 which the Interim Chief of Police certifies to be in compliance with Section 932.7055(4) and (5), Florida Statutes, is for the following:

TACTICAL ARMORED SWAT VEHICLE (\$250,252) – The purchase of a Lenco BEARCAT Tactical Armored SWAT Vehicle will provide additional specialized equipment to be utilized by the West Palm Beach Police Department as a Special Purpose Vehicle assigned to the Special Services Division, under the direction of the SWAT Commander for the following types of critical incidents and other purposes:

- Active shooter scenario, hostage takeovers, barricaded suspects and high risk warrants.
- Response and rescue of injured personnel needing medical intervention.
- Safe entry into a perimeter to remove an officer and/or civilian in harms way.
- Safe placement of a Hostage Negotiation Team at entry points before an assault.
- Deployment of Less Lethal Munitions allowing the officer every tactical advantage and affords the suspect every opportunity to surrender.
- Patrol during hurricanes or to navigate through water and debris.
- Providing a tool for mutual aid currently not available to the Regions SWAT teams.

PROTECTIVE COVERING AND ASSOCIATED MATERIALS (\$6,000) – The armored vehicle purchase does not include the required official WPBPD painted graphics, tags, and minor equipment specific to department protocol. Addition funds will be used for costs associated with additional and specialized equipment for the Lenco BEARCAT Tactical Armored SWAT Vehicle, including a free-standing protective covering that can be used anywhere the vehicle may be moved.

Fiscal Note:

Resolution No. 14-12(F) provides appropriations of \$256,252 as described above. Upon approval of this Resolution the balance in the State Forfeiture account will be approximately \$236,000.

PUBLIC HEARING (12):

12. **Public Hearing and Second Reading of Ordinance No. 4394-11 ADOPTED amending and restating Chapter 6 of the City Code regulating Alcoholic Beverages and establishing an extended hours permit for alcoholic beverage establishments in the Downtown Master Plan area.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING AND RESTATING CHAPTER 6 (ALCOHOLIC BEVERAGES) OF THE CODE OF ORDINANCES; ESTABLISHING AN EXTENDED HOURS PERMIT PROGRAM FOR THE DOWNTOWN MASTER PLAN AREA; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 18766](#)

Staff Recommended Motion:

Approve Ordinance No. 4394-11.

Background:

At the November 22, 2010 City Commission work session, the Downtown Development Authority made the City Commission aware of concerns regarding the proliferation of night clubs around Clematis Street, and the possible negative impacts such proliferation may have on the Downtown. Based on this information, on January 10, 2011 the City Commission approved Ordinance No. 4314-10 declaring a Zoning in Progress, and restricting the approval of any new alcoholic beverage establishments within the downtown area while regulations were revised.

A Task Force was created with eight (8) members appointed by the Mayor and representing the downtown residential community and business owners. Staff worked with the Task Force and determined that the main concerns were related with the possible negative impact of creating a night club district and the security issues associated with night clubs and similar establishments.

The Task Force recommended maintaining regulations in the downtown master plan area to restrict the number of alcoholic beverage establishments allowed per city block; better regulating the establishments that serve alcohol after midnight, instituting specific security regulations for such establishments; requiring responsible beverage training; and restricting the sale of alcoholic beverages for off-premises consumption in the Clematis Waterfront District and the Northwest Neighborhood District.

Based on the recommendations from the Task Force, an extended hours permit for the downtown master plan area was developed which will require establishments selling alcoholic beverages after midnight to obtain an extended hours permit. The extended hours permit requires compliance with security regulations and training requirements, and may be revoked by the special magistrate. Additionally, the sale of alcoholic beverages for off-premises consumption will not be allowed in the Clematis Waterfront District and the Northwest Neighborhood District.

In reviewing the alcoholic beverage regulations, staff also identified several provisions that required modification to maintain consistency, reorganized and re-numbered the sections to better identify those regulations that applied only in the downtown master plan area, eliminated unnecessary provisions and included those businesses that offer alcoholic beverages as an accessory service.

At the First Reading and by recommendation of some business owners in attendance at a community meeting held on January 5, 2012, staff proposed to the City Commission to modify the proposed Ordinance to exclude the "Class D" special license as a requirement to obtain the extended hour permit to serve alcohol after midnight. In addition the restriction regarding number of establishments allowed per City block was modified to include establishments in all floors and not only in the first floor. The attached Ordinance includes these changes for the City Commission consideration.

Ordinance No. 4394-11 amends and restates Chapter 6, Alcoholic Beverages, of the Code of Ordinances. Applications from existing establishments seeking extended hours permits shall be submitted no later than April 30, 2012, to provide time to meet training requirements and renewed annually thereafter with submittal of the business tax.

PUBLIC HEARING – QUASI-JUDICIAL (13 - 14):

-DISCLOSURE OF EX-PARTE COMMUNICATIONS, IF ANY*
-SWEARING IN OF WITNESSES

13. **Public Hearing and Second Reading of Ordinance No. 4398-12: **ADOPTED****
Regarding the transfer of the master plan and the related development regulations approved as part of the Northwood University Community Service Planned Development, located generally at 2600 North Military Trail, to a separate resolution and to amend the Northwood University boundaries.

Public Hearing and Second Reading of Ordinance No. 4399-12: **ADOPTED**
Regarding a Future Land Use Map Amendment to change approximately 9.44 acres from a Community Service to a Commercial designation.

Public Hearing and Second Reading of Ordinance No. 4400-12: **ADOPTED**
Regarding a rezoning to change approximately 9.44 acres from a Community Service Planned Development to a General Commercial designation.

Public Hearing of Resolution No. 2-12: **ADOPTED Regarding a request by Jon E. Schmidt of Jon E. Schmidt & Associates, Inc., on behalf of Northwood University, for a Major Amendment to the Northwood University CSPD to revise the master plan and modify the development regulations based on the creation of two commercial development tracts.**

ORDINANCE NO. 4398-12: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING PRIOR ORDINANCES RELATING TO THE NORTHWOOD UNIVERSITY COMMUNITY SERVICE PLANNED DEVELOPMENT, LOCATED GENERALLY AT 2600 NORTH MILITARY TRAIL, AMENDING THE NORTHWOOD UNIVERSITY CAMPUS BOUNDARIES AND TRANSFERRING THE MASTER PLAN AND THE RELATED DEVELOPMENT REGULATIONS TO A SEPARATE RESOLUTION; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4399-12: 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 FOR APPROXIMATELY 9.44 ACRES FRONTING MILITARY TRAIL TO THE NORTH AND SOUTH OF THE ENTRY DRIVE FOR NORTHWOOD UNIVERSITY, WHICH HAS AN ADDRESS OF 2600 MILITARY TRAIL, FROM A COMMUNITY SERVICE FUTURE LAND USE DESIGNATION TO A COMMERCIAL FUTURE LAND USE DESIGNATION; DECLARING THE PROPOSED SMALL-SCALE AMENDMENT TO THE FUTURE LAND USE MAP TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4400-12: 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 9.44 ACRES FRONTING MILITARY TRAIL TO THE NORTH AND SOUTH OF THE ENTRY DRIVE FOR NORTHWOOD UNIVERSITY, WHICH HAS AN ADDRESS OF 2600 MILITARY TRAIL, FROM A COMMUNITY SERVICE PLANNED DEVELOPMENT TO A GENERAL COMMERCIAL ZONING DESIGNATION; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH ALL ELEMENTS OF THE COMPREHENSIVE PLAN OF THE CITY; REVISING THE ZONING MAP OF THE CITY ACCORDINGLY; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 2-12: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE NORTHWOOD UNIVERSITY COMMUNITY SERVICE PLANNED DEVELOPMENT, LOCATED GENERALLY AT 2600

NORTH MILITARY TRAIL, REVISING THE MASTER PLAN AND MODIFYING THE DEVELOPMENT REGULATIONS; GRANTING A SIGN WAIVER; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 18764](#)

Staff Recommended Motion:

Approve Ordinance No. 4398-12, amending the boundaries of the Northwood University CSPD and providing that future development regulations shall be by resolution. This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and consideration of the factors listed in Section 94-32 of the Zoning and Land Development Regulations.

Approve Ordinance No. 4399-12, amending the Future Land Use Map of the Comprehensive Plan to re-designate approximately 9.44 acres fronting Military Trail, on the north and south of the Northwood University entry drive, from Community Service to Commercial future land use designation. This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and the findings that the amendment meets a standard of Future Land Use Element Policy 1.1.7 of the Comprehensive Plan.

Approve Ordinance No. 4400-12, amending the Zoning Map to re-zone approximately 9.44 acres fronting Military Trail, on the north and south of the Northwood University entry drive, from Community Service Planned Development to General Commercial. 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 re-zoning complies with the Comprehensive Plan and the standards in Section 94-32 of the City's Zoning and Land Development Regulations.

Approve Resolution No. 2-12, approving a Major Amendment to the Northwood University CSPD to revise the master plan and modify the development regulations, including the granting of a sign waiver, based on the creation of two commercial development tracts. 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 re-zoning complies with the Comprehensive Plan and the standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

Background:

Ordinance No. 4398-12 and Resolution No. 2-12: The Planning Division has determined that the Major Amendment requests comply with all of the required standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

Ordinance No. 4399-12: The Planning Division has determined that the FLU Map amendment complies with the provisions of Chapter 163, Florida Statutes, the Florida Administrative Code (FAC), and meets at least one (1) of the five (5) Future Land Use

(FLU) Amendment Standards found in Future Land Use Element Policy 1.1.7 of the City's Comprehensive Plan, specifically item B. Changed Assumptions.

Ordinance No. 4400-12: The Planning Division finds that the rezoning request complies with all of the required standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

Compliance with all of the above-referenced standards has been detailed in the Attachment 1 - Planning Board Staff Report.

The Planning Board recommended approval (6-0) of this request to the City Commission after a Public Hearing on November 15, 2011.

ANALYSIS:

The Northwood University (formally known as Northwood Institute) Public Semi-public Planned Unit Development (PSPPUD) was created by the approval of Ordinance No. 1887-85 on September 9, 1985. On February 10, 1992, the City Commission approved Ordinance No. 2396-90, which added approximately 20.6 acres to the Northwood University PSPPUD. On November 1, 1993, the City Commission approved Ordinance No. 2671-93, which changed the zoning to the Northwood University Community Service Planned Development (CSPD) and added an additional approximately 6.31 acres. On October 15, 2002, the City Commission approved Ordinance No. 3610-02, which approved the Student Life Center. On September 15, 2003, the City Commission approved Ordinance No. 3688-03, which increased the maximum enrollment to 1,800 students and amended the master plan. On December 5, 2005, the City Commission approved Ordinance No. 3881-05, which added approximately 14.46 acres to the CSPD.

The Northwood University CSPD currently contains approximately 98.58 acres and provides a fully functional campus with classrooms, a library, dormitories, recreational facilities and an indoor sports arena. To date, Northwood University has constructed ten of the buildings (the Stauffer Residential Complex is collectively identified as one building).

Ordinance No. 4398-12

With the goal of streamlining the approval process of amendments to planned developments, the Planning Division is implementing a new process to approve Major Amendments. In doing so, the plans, development regulations and waivers approved as part of the planned development will be transferred to a resolution, requiring only one hearing before the City Commission for any future amendments. As such, Ordinance No. 4398-11 will transfer the master plans and the related development regulations approved as part of the Northwood University CSPD to Resolution No. 2-12.

Ordinance No. 4398-12 also includes a boundary amendment to the Northwood University CSPD to remove two parcels, totaling 9.44 acres, from the western portion of

the CSPD. Both parcels have Military Trail frontage and are proposed for future commercial development.

Resolution No. 2-12

The applicant is revising the Northwood University campus master plan to show the removal of the commercial areas as well as the following changes when compared to the existing campus master plan:

- 1) Future development on the campus master plan is shown as a bubble diagram instead of as building footprints.
- 2) Relocation of future buildings, roadways, parking and lakes.
- 3) Elimination of the Junior Achievement Building.
- 4) Proposed future access to Village Boulevard.

The Northwood University CSPD development regulations allow all of the future buildings and parking lots shown on the campus master plan to be approved through the Formal Site Plan Review process. To date the campus master plans showed detailed building footprints and parking layouts, which inevitably change at the time of Formal Site Plan submittal. With this proposed amendment, the applicant is requesting that the campus master plan be converted to the bubble diagram format, which shows areas and maximum square footage for the new buildings, but does not show the actual building and parking layout. This allows greater flexibility in the design of the future buildings and parking lots, especially if it is discovered that there are natural features such as mature trees or wetlands that need to be preserved in place. As part of the conversion to a bubble diagram for the campus master plan the applicant provided a site plan showing the existing conditions of the Northwood University CSPD. The site plan will be used as a baseline condition for evaluating the future buildings and compliance with site development requirements.

The proposed removal of the future commercial parcels and the elimination of the Junior Achievement Building requires the applicant to re-evaluate the locations of the buildings shown on the existing campus master plan. Additionally, the campus master plan was not amended to show future use of the approximately 14.46 acres added to the Northwood University CSPD in 2005. The proposed campus master plan shows this area as a future athletic complex. The specific use of the future athletic complex is undefined. The Northwood University CSPD permits "Recreation, Indoor" and "Recreation, General Outdoor" uses. These may be included within the athletic complex as part of a Formal Site Plan approval. If the athletic complex is to include "Recreation, Stadiums and Sports Arenas" as defined in the ZLDR, then a Major Amendment to the Northwood University CSPD is required in order for the impacts of the proposed use to be reviewed.

The applicant is showing a future connection to Village Boulevard on the campus master plan. The applicant does not currently have Palm Beach County Traffic approval for this connection. Additionally, the connection would traverse the Village Commons Commercial Planned Development (CPD) property since the Northwood University

CSPD does not have direct frontage on Village Boulevard. This requires an amendment to the Village Commons CPD prior to the construction of the future connection. Palm Beach County traffic approval is required prior to the City processing an amendment.

The Northwood University CPD currently contains four distinct parcels. The creation of the two new commercial parcels requires that the site be replatted. The Future Land Use and zoning amendments covered by Ordinance Nos. 4399-12 and 4400-12, respectfully, will not become effective until the Northwood University property is replatted.

The creation of two new parcels fronting on Military Trail results in the Northwood University CSPD having only 100 feet of frontage, which permits signs to have a total of 100 square feet of sign area. The existing sign contains 300 square feet of sign area, so the development regulations include a waiver to allow the existing sign at its current size and location. If the sign is replaced, reconstructed or removed, the new sign may have no more than 150 square feet per sign face; however, the sign shall be constructed and located outside of the Military Trail right-of-way and the FDOT easement, unless FDOT grants Northwood University permission to construct the sign within its easement, then the sign shall comply with the ZLDR five (5) foot setback requirement. If Northwood University is approved to construct the Village Boulevard access driveway, it may construct a sign a minimum of 24 feet from the neighboring lots. The sign shall be no larger than 150 square feet in area. The Planning Division staff does not object to the sign waiver.

Ordinance No. 4399-12

The applicant has requested a Future Land Use Map Amendment to change the designation of approximately 9.44 acres of property from Community Service (CS) to Commercial (C) designations. The area is divided almost equally between two future parcels that are located along Military Trail. Military Trail consists of primarily commercial businesses in this area; therefore, the C designation is appropriate for these parcels. The applicant's Level of Service (LOS) Analysis was completed for the maximum building square footage which could be constructed on the site under the C Future Land Use (308,405 square feet) and was found to meet the LOS. The final development intensities will be submitted at the time of the development of the commercial parcels.

Ordinance No. 4400-12

The applicant has requested a rezoning to change the designation of approximately 9.44 acres of property from Community Service Planned Development (CSPD) to General Commercial (GC) designations. The area is divided almost equally between two future parcels that are located along Military Trail. Military Trail consists of primarily commercial businesses in this area; therefore, the GC designation is appropriate for these parcels. The applicant wishes to develop the parcels for commercial uses that would complement its educational curriculum and provide hands-on experience for its students. For example, Northwood University has a hospitality program that would benefit from

having an adjacent hotel or a restaurant which would provide a live classroom for students. The parcels will be reviewed for compliance with the ZLDR at the time of submittal for the Formal Site Plan Review.

The subject property is located within Commission District No. 2 – Commissioner Isaac Robinson.

Individual notices were mailed to all property owners within 400 feet of the Northwood University CSPD and signs were posted on the property on October 3, 2011. The Second Reading of Ordinance Nos. 4398-12 and 4400-12 and the Public Hearing of Resolution No. 2-12 were advertised in the Palm Beach Post on January 13, 2012. The Second Reading of Ordinance No. 4399-12 was advertised in the Palm Beach Post on January 18, 2012.

Fiscal Note:

No fiscal impact.

14. **Public Hearing and First Reading of Ordinance No. 4386-11 CONTINUED transferring the site plan approvals and development conditions relating to the TRG North Flagler Residential Planned Development (RPD), generally located on the east side of North Flagler Drive, between 42nd and 44th Streets, to a separate resolution; and**

Public Hearing of Resolution No. 283-11: Regarding a request by Joseph Verdone, AICP, and Lynda Harris, Esq., of Carlton Fields, on behalf of TRG North Flagler Ltd., for a Major Amendment to the TRG North Flagler Residential Planned Development (RPD), generally located on the east side of North Flagler Drive, between 42nd and 44th Streets, to increase the number of residential dwelling units and density and amend the plans.

ORDINANCE NO. 4386-11: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING ORDINANCE NO. 3909-05, AS AMENDED, RELATING TO THE TRG NORTH FLAGLER RESIDENTIAL PLANNED DEVELOPMENT (RPD), GENERALLY LOCATED ON THE EAST SIDE OF NORTH FLAGLER DRIVE, BETWEEN 42ND AND 44TH STREETS, TO TRANSFER THE SITE PLAN APPROVALS AND RELATED CONDITIONS TO A SEPARATE RESOLUTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 283-11: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE TRG NORTH FLAGLER RESIDENTIAL PLANNED DEVELOPMENT (RPD), GENERALLY LOCATED ON THE EAST SIDE OF NORTH FLAGLER DRIVE, BETWEEN 42ND AND 44TH STREETS, TO INCREASE THE NUMBER OF RESIDENTIAL DWELLING UNITS AND AMEND THE PLANS ACCORDINGLY; DECLARING THIS AMENDMENT

**CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY;
PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

[Agenda Cover Memorandum No.: 18730](#)

Staff Recommended Motion:

**APPLICANT HAS REQUESTED A CONTINUANCE TO THE
MARCH 19, 2012 CITY COMMISSION MEETING.**

Background:

The Development Services Department - Planning Division has found that the request for a Major Amendment to the TRG North Flagler Residential Planned Development (RPD) DOES NOT comply with three (3) of the eight (8) required Amendment Standards found in Section 94-32 of the City's Zoning and Land Development Regulations (ZLDRs). Staff's review and determination regarding the above-referenced standards has been detailed in the Staff Report attached hereto as ATTACHMENT 1.

The Planning Board recommended DENIAL (4-2) of this request to the City Commission after a Public Hearing on October 18, 2011. Since the Planning Board meeting, the developer did make minor changes to elevation of the proposed structure, however all other components of the proposed project unchanged. It is staff's opinion that these modifications have not sufficiently addressed the concerns referenced below, and therefore, continues to recommend denial of the request.

ANALYSIS:

Located on the east side of North Flagler Drive, between 42nd and 44th Streets, the subject property consists of approximately 5.1 acres and is currently occupied by a single family residence and an abandoned sales center associated with the previously-proposed condominium development.

On December 19, 2005, the City Commission adopted Ordinance No. 3909-05, approving a single 21-story residential condominium development containing a total of 138 dwelling units with an enclosed parking garage. Approximately four (4) months after obtaining approval of the above-referenced project, the developer purchased an additional 1.68 acres to the north of the original development. Therefore, in August 2006, the City Commission approved Ordinance Nos. 3978-06 and 3979-06, rezoning the newly-acquired property and expanding the boundaries of the RPD, allowing for an increase in dwelling units to a total of 150 units, and increase in the height of the building to 23 stories. Although there was a slight increase in the number of units, the additional land area did provide for an overall reduction in density (change in net density from 40.4 units/acre to 29.4 units/acre). In December 2007, the City Commission further adopted Ordinance No. 4096-07, approving the removal of two (2) docking structures and allow for the construction of one (1) 12-slip dock; the upland portion of the proposed development remained unchanged.

The original proposal provided for very high-end residential units that included large floor plans oriented toward the views of the Intracoastal Waterway. While this project remains valid through December 2014, and could be built at any time prior to such deadline, the developer is proposing to modify the project in light of the changes in the residential housing market, and therefore, is requesting a Major Amendment to the existing RPD. A copy of the applicant's Justification Statement is provided as ATTACHMENT 2.

PROPOSED DEVELOPMENT

The new project provides for smaller unit sizes, phases the construction into two (2) distinct phases, and increases the number of dwelling units from 150 to 506 (Phase I – 269 units, Phase II – 237 units). The development will maintain the previously-approved maximum height of 23 stories, but now consists of two (2) towers, as opposed to just one (1). A table comparing the proposed project to that which is currently approved is provided as ATTACHMENT 3.

The general configuration of the proposed site is very similar to that which is currently approved, the greatest variation occurs in the size of the parking garage, and the residential towers above. The previous development consisted of a single curvilinear tower oriented in a north-south direction to optimize views of the Intracoastal Waterway for the condominium residents. The modified plans rotate the tower into an east-west direction and allows for the construction of a second tower as part of Phase II.

WAIVERS

As part of the new proposal, the developer is requesting to extend or modify some of the previously-approved waivers, while also requesting new waivers from the ZLDRs. A table outlining all of the waivers and their respective change is provided as ATTACHMENT 4. Those waivers that are new or are increasing include: maximum density, height/setback, and the placement of residential development identification signs.

Density - As part of the redesign of the project, the developer is requesting to increase the density of the RPD from 29.4 du/acre to 99.38 du/acre. While higher density projects can offer many benefits, such as: greater efficiency in use of public services; more sustainable by reducing urban sprawl; economic and fiscal benefits to the surrounding neighborhoods by providing additional tax base and demand for retail; and puts "eyes on the street", offering deterrents to criminal activity, the request results in a density on the subject property to a level that is over 250% of the average multifamily density in the northern section of the City. It is staff's opinion that this significant increase in density will result in a development that is inconsistent with other multifamily development in the area, and incompatible with the adjacent residential neighborhoods. As such, staff is recommending denial of the proposed density waiver.

Height/Setback - Due to the increase in the number of dwelling units and the placement

of two (2) towers, the footprint of the proposed building is significantly larger and the setbacks to the north and south property lines have been reduced; the north setback is being reduced by over 24 feet, while the south setback is being reduced by approximately 13 feet. It is staff's opinion that the proposed increase in density has required the developer to increase the footprint of the parking garage to accommodate the additional parking spaces necessitated by the increase in dwelling units. While developments have been approved with similar setbacks, the overall mass of the structure created by the significant increase in units has resulted in a proposal that is likely to have a negative impact on the adjacent property and is not compatible with the surrounding development pattern. Therefore, staff is recommending denial of the waiver request.

Residential Development ID Signs - The applicant is proposing to install two (2) permanent identification signs that are four (4) feet in height. Section 94-407(2)(c) requires that there be a minimum separation of at least 500 feet, however, the applicant is requesting a waiver of approximately 231 feet from this provision. Staff does not have any objection to this request as the signs are minimal in size, are separated by a long enough distance, and will be integrated into the landscape design for the property. It is staff's opinion that they will not cause any additional harm to the surrounding area, and therefore, does not object to the proposed waiver request.

Within ATTACHMENT 1, Staff has provided a full analysis of the waiver requests described above.

OTHER DISCUSSION ITEMS

Scale/Mass - A direct correlation with the concerns expressed above regarding residential density, Staff has also indicated that the scale and mass of the proposed development is incompatible with the surrounding area. When looking at the overall mass of the proposed structure, it is estimated that the 506-unit building would consist of over 8.25 million cubic feet; this is approximately 4.13 million cubic feet larger than the previously-approved project. While significant work has been put into the architectural design of the project, and details have been added to screen the parking and soften the impacts of the structure upon the adjacent properties and right-of-way, it is Staff's professional opinion that the overall size of the structure has significantly increased as a result of the additional dwelling units creating a development that is incompatible with the surrounding development pattern.

Neighborhood Concerns - The developer did hold four (4) public meetings with the surrounding neighborhoods to receive feedback and determine the issues that may exist. Additionally, the developer indicated that they also sent out a survey to more than 4,200 residents in the area (196 responses were submitted). As outlined in a letter to the Mayor from the Northend Coalition of Neighborhoods, dated September 13, 2011 (ATTACHMENT 5), the issues raised by many of those present revolved around the provision of parking spaces and generation of traffic. While Staff respectfully understands these concerns and considers them valid in reviewing any development, a

brief analysis of these issues and their relationship to requirements of the City's Code of Ordinances is provided below; additional information can be found in ATTACHMENT 1.

Parking - The City's ZLDRs require that the proposed development provide a total of 711 spaces. As a total of 713 parking spaces are proposed, the project complies with the City's ZLDRs. Residents did express concern regarding the availability of parking during the construction process, especially during Phase II. Concern arose that some Phase I spaces would become unavailable during construction and that there would not be sufficient space to accommodate the residents of Phase I, as well as construction traffic and staging. Therefore, while only 378 spaces are required for Phase I, the developer is proposing to initially construct 554 spaces (176 spaces beyond that required by the ZLDRs). This will allow some flexibility during the construction of Phase II, and while some spaces will be impacted, the remainder of the project can continue to meet the minimum parking required by the ZLDRs. It is Staff's professional opinion that the project meets the minimum criteria of the ZLDRs, and that additional parking is being provided during Phase I to compensate for any loss that may occur during construction of Phase II. If the project were to move forward to construction, City Staff will work closely with the developer to ensure that adequate provisions are made for construction staging, parking, etc. and will require a detailed plan prior to the issuance of any permits.

Traffic - As part of the application, the developer was required to submit a traffic study that evaluated the surrounding road network upon completion of the proposed project (build-out date of 2018). In addition to the proposed project, the traffic study factored in existing traffic counts, vested/approved projects within the area of influence, as well as a growth factor. While there was some disagreement on the assumptions made regarding the distribution of the vested/approved projects, the City has accepted the analysis which shows the surrounding roadway network will continue to function within acceptable levels. The study did conclude that the lowest rating would occur at the intersection of 45th Street and North Flagler Drive, where the intersection would operate at a Level of Service (LOS) D in the afternoon peak hour. In order to address any possible concerns with the intersection, the traffic study did evaluate the effect of adding a traffic signal to determine whether or not this would alleviate this lower level of service. It was found that installation of a signal, with no other improvements to the intersection, would improve the operation of the intersection to a LOS B. The forecasted LOS D likely would not satisfy Palm Beach County's threshold for warranting a signal, which is required before a signal could be installed; however, the developer has committed that if at any time prior to the year-end 2018 a traffic signal is warranted, such signal would be installed at the intersection of 45th Street and North Flagler Drive, at the developer's expense. A copy of the traffic study is provided as ATTACHMENT 6.

CONCLUSION

It is Staff's professional opinion that the proposed modifications to the TRG North Flagler RPD are out of character for that area of the City and could potentially result in

negative impacts on the adjacent single family residential neighborhoods. While parking meets the minimum criteria, and traffic concerns have been addressed, the proposed increase in residential dwelling units has produced a project that is significantly larger in density, scale, and mass than any other project in that area. As detailed in ATTACHMENT 1, the amendment request does not comply with three (3) of the eight (8) required Amendment Standards found in Section 94-32 of the City's ZLDRs: The proposed development does not conform with code requirements and would require 8 waivers; the proposed development is inconsistent with existing and proposed land use, based on scale/mass and density; and the proposed development does not support an orderly and logical development pattern. Therefore, staff is recommending denial of the request.

The subject property is located within Commission District No. 1 - Commissioner Sylvia Moffett.

Individual notices were mailed to all property owners within 400 feet of the property, and signs were posted on the property on North Flagler Drive on September 29, 2011. Second Reading of Ordinance No. 4386-11 and Public Hearing of Resolution No. 283-11 will be advertised in the Palm Beach Post on December 30, 2011.

Fiscal Note:

No fiscal impact.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

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.