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

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

**City of West Palm Beach
City Commission
Agenda
Tuesday, February 18, 2025
5:00 PM**

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

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

4. CIVILITY AND DECORUM

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

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

5. ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA

6. PROCLAMATION

- 6.1. Proclaiming February 28, 2025 as: The Lord's Place March to Homelessness Awareness Day. Proclamation to be accepted by Interim The Lord's Place CEO, Kerry Diaz and Chief Advancement Officer, Anne Noble.

Originating Department:
Mayor's Office

7. CONSENT CALENDAR

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

- 7.1. Minutes of the Regular City Commission Meeting of January 6, 2025.

Originating Department:
Mayor's Office

- 7.2. Minutes of the Regular City Commission Meeting of January 21, 2025.

Originating Department:
Mayor's Office

- 7.3. Resolution No. 53-25(F) providing for the receipt and appropriation of One Hundred Thousand dollars (\$100,000) in grant funding from Rockefeller Philanthropy Advisors Youth Climate Action Fund Program to distribute as microgrants to fund a youth-led climate initiatives.

Originating Department:
Mayor's Office

Ordinance/Resolution:

RESOLUTION NO. 53-25(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 2024/2025 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE DONATION FUND BUDGET TO RECOGNIZE THE RECEIPT OF PROGRAM FUNDS IN THE AMOUNT OF \$100,000 FROM ROCKEFELLER PHILANTHROPY ADVISORS YOUTH CLIMATE ACTION FUND PROGRAM TO DISTRIBUTE AS MICROGRANTS TO FUND A GROUNDSWELL OF YOUTH-LED CLIMATE INITIATIVES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The City of West Palm Beach was selected as one of 100 cities and the

only City in Florida to be awarded funds to sponsor a Youth Climate Action Fund Program. On February 26, 2024, the Mayor signed the Bloomberg Philanthropies Youth Climate Action Fund Mayor's Pledge, allowing our City to be awarded an initial \$50,000 for the program. Resolution No. 110-24 accepted the agreement, and Resolution No. 111-24(F) provided the budget.

Additional program funds in the amount of \$100,000 have been awarded by Rockefeller Philanthropy Advisors. This contribution will help to continue the program efforts that support our City partnership with youth as co-designers, co-creators, and co-governors of climate-focused projects, moving beyond simply getting feedback from youth on City-proposed climate projects.

This program distributes microgrants to fund a groundswell of youth-led climate initiatives. From mobilizing tree-planting or public education campaigns to launching recycling or waste reduction initiatives to participating in mitigation planning or preparedness programs, efforts stemming from the new Youth Climate Action Fund will advance critical community goals such as meeting decarbonization commitments or reducing consumption-based emissions.

Fiscal Note:

Approval will recognize donation proceeds and provide appropriation for continuing the Youth Climate Action Fund Program.

- 7.4. Resolution No. 41-25 approving the Grassy Waters Conservancy's 2025 - 2030 strategic plan; approving an agreement regarding support between Grassy Waters Conservancy, Inc., and the City of West Palm Beach regarding Grassy Waters Preserve and related preserve areas.

Originating Department:

Public Utilities

Ordinance/Resolution:

RESOLUTION NO. 41-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE GRASSY WATERS CONSERVANCY'S 2025-2030 STRATEGIC PLAN; APPROVING AN AGREEMENT REGARDING SUPPORT BETWEEN GRASSY WATERS CONSERVANCY, INC., AND THE CITY OF WEST PALM BEACH REGARDING GRASSY WATERS PRESERVE AND RELATED PRESERVE AREAS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The Conservancy desires to update its Strategic Plan for the next five (5) years, detailing its plans for environmental education, research, and nature-based experiences at Grassy Waters Preserve through programs and capital projects, and to renew its Agreement with certain

modifications.

Grassy Waters Conservancy, Inc. (the "Conservancy") is an independent not-for-profit corporation organized under Florida Statutes Chapter 617 and operated exclusively for charitable purposes to support and promote Grassy Waters Preserve for environmental education, research, and nature-based experiences while ensuring its ecological integrity and its major role as a regional water supply.

The intent and purpose of the Conservancy to develop, fund, and implement a strategic plan to enhance the environmental education, research, and nature-based experiences at Grassy Waters Preserve and by Resolution No. 267-14, the City approved an Agreement Regarding Support from Grassy Waters Conservancy for a term of five (5) years and provided renewal of such Agreement upon mutual approval of the parties.

Commission District 4: Commissioner Joseph Peduzzi.

Fiscal Note:

No fiscal impact.

- 7.5. Resolution No. 26-25 approves a Conditional Settlement Agreement totaling \$150,000 in the matter of Vida Fleury and Heureuse Fils Aime v. The City of West Palm Beach.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 26-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SETTLEMENT AGREEMENT FOR \$150,000 IN THE MATTER OF VIDA FLEURY AND HEUREUSE FILS AIME V. THE CITY OF WEST PALM BEACH, FILED IN THE FIFTEENTH JUDICIAL CIRCUIT, IN AND FOR PALM BEACH COUNTY, FLORIDA, CASE NO. 50-2024-CA-000977-XXXXMB AE PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

Vida Fleury and Heureuse Fils Aime filed a complaint for damages stemming from a motor vehicle accident that occurred on or about November 28, 2022. The City has reached a settlement agreement with Vida Fleury and Heureuse Fils Aime and their attorney to resolve the matter for a total of \$150,000. The Plaintiffs have signed a general release that releases the City from all claims arising from this incident, which ends all of the claims for damages, including all attorneys' fees and costs, against the City of West Palm Beach.

Section 2-268(g)(4) of the Code of Ordinances of the City of West Palm

Beach, Florida, provides that the authority for settlement of all claims in excess of \$30,000 shall require approval of the City Commission by formal resolution. Resolution No. 25-26 approves the Conditional Settlement Agreement.

Fiscal Note:

Settlements are paid out of the Risk annual Budget.

- 7.6. Resolution No. 29-25 accepting the 2024 Hartford grant award in the amount of \$10,000 to support fire safety education efforts to reduce the risk of home fires; and

Resolution No. 33-25(F) providing appropriations from The Hartford award for fire safety awareness and education within the community and local schools.

Originating Department:

Fire

Ordinance/Resolution:

RESOLUTION NO. 29-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A GRANT IN THE AMOUNT OF \$10,000 FROM THE HARTFORD TO BE USED TO SUPPORT FIRE SAFETY EDUCATION TO REDUCE HOME FIRE RISK; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 33-25(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 2024/2025 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE DONATION FUND BUDGET TO RECOGNIZE A DONATION FROM THE HARTFORD TO PROVIDE APPROPRIATIONS FOR FIRE SAFETY EDUCATION EFFORTS AND PROGRAMMING; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The Hartford provides grants to cities to assist in reducing the risk of home fires.

The City of West Palm Beach Fire Department has been selected as a grant recipient.

The West Palm Beach Fire Department has been awarded a grant in the amount of \$10,000 to be used for fire safety education, materials, or equipment to reduce the risk of home fires within the City.

The City of West Palm Beach desires to accept the grant.

Resolution No. 29-25 accepts the grant award.

Resolution No. 33-25(F) appropriates the grant funds within the Fire Department budget.

Fiscal Note:

The grant award amount is \$10,000.

- 7.7. Resolution No. 38-25(F) authorizing the appropriations of \$275,000 from the Waterfront District Fund reserves for repairs at Centennial Fountain and for lighting and sound upgrades at the Lake Pavilion.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 38-25(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 2024/2025 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE WATERFRONT DISTRICT FUND BUDGET TO PROVIDE APPROPRIATIONS FOR REPAIRS AND FOR UPGRADES AT THE WEST PALM BEACH WATERFRONT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The West Palm Beach Waterfront amenities are very popular year round, which requires on-going maintains, repairs, and upgrades.

Centennial Fountain is the focal point at the Nancy Graham Centennial Square and is in need of repairs and replacement of spray and lighting fixtures, which includes the programmable water and light show technology. Since the construction of the fountain, the technology has been enhanced, which includes new fixtures.

Additionally, improvements will be made at the Lake Pavilion including improved lighting and installation of sound reducing paneling.

Funds are available in the Reserve for Future Projects account, which currently has a balance of \$1,251,095. It is recommended that \$275,000 be allocated to allow for the above mentioned needs.

Resolution No. 38-25(F) reallocates funding for the Waterfront's capital repairs.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

Approval will provide appropriations for repairs and upgrades.

- 7.8. Resolution No. 49-25 approving a Seventh Amendment to the Palm Beach International Boat Show Agreement with Yachting Promotions, Inc., and The Marine Industries Association of Palm Beach County approving the event to be expanded to a 5-day event and establishing the road closure times and the 2025 license fee in the amount of \$117,755.60.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 49-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE SEVENTH AMENDMENT TO THE PALM BEACH INTERNATIONAL BOAT SHOW AGREEMENT WITH YACHTING PROMOTIONS, INC., AND THE MARINE INDUSTRIES ASSOCIATION OF PALM BEACH COUNTY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

By Resolution No. 178-17, the City Commission of the City of West Palm Beach approved a ten (10) year agreement with Yachting Promotions, Inc. and the Marine Industries Association of Palm Beach County to produce the Palm Beach International Boat Show.

The agreement establishes, among other things, the length of the Boat Show event, including set-up and break down, along with the timeframe in which the affected public streets must be re-opened to traffic after the event.

Due to the growth of the Boat Show, the producers have requested that the event return to a 5-day event and allow additional road closure time for the removal of docks. The City does not object to these changes.

The license fee for 2025 will reflect the annual Consumer Pricing Index (CPI) adjustment, along with an adjustment for the additional day. This new fee will have a base rate of \$117,755.60 and will increase annually based on the CPI.

Resolution No. 49-25 approves a Seventh Amendment to the Palm Beach International Boat Show to revise the road closure schedule and establish the License Fee.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

Approval will result in the receipt of the 2025 License Fee of \$117,755.60.

7.9. Resolution No. 57-25 amending the City's Salary Plan; and

Resolution No. 56-25(F) amending full-time equivalent budget (FTE) for the West Palm Beach Police Department and the Building Services Fund.

Originating Department:

Human Resources

Ordinance/Resolution:

RESOLUTION NO. 57-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CITY'S SALARY PLAN AS PROVIDED IN RESOLUTION NO. 214-24 APPROVED ON SEPTEMBER 30, 2024, TO CHANGE THE JOB TITLE OF CERTAIN JOB CLASSIFICATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 56-25(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, TO AMEND THE FULL TIME EQUIVALENT (F.T.E.) PERSONNEL DETAIL OF THE GENERAL FUND FOR THE POLICE DEPARTMENT AND TO AMEND THE FULL-TIME EQUIVALENT (F.T.E.) PERSONNEL DETAIL OF BUILDING PERMITTING FUND; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

As of FY25, the Code Enforcement Division was transferred from the Police Department to the Housing & Community Development Department. The Director of Housing & Community Development has been working with Administration to restructure the Code Enforcement Division. The restructuring includes updating two Code Enforcement job titles, retitling the existing Code Compliance Manager position and realigning the function. It also adds a second Code Enforcement Supervisor and a Code Enforcement Manager through the reclassification of two vacant Code Enforcement Officer positions.

The Code Enforcement Supervisor and Code Enforcement Manager will be working supervisory positions. Therefore, staff does not expect a void will be created by reducing the number of Code Enforcement Officers from 18 to 16. The increase associated with the two supervisory positions will be offset by vacancy savings in FY25 and built into the Department's budget for FY26. These proposed changes will enhance the level of supervision and span of control within the Code Enforcement Division.

Specifically, Resolution No. 57-25 amends the City's Salary Plan for FY25 by changing the job title of the existing vacant Code Compliance Manager position to Code Enforcement Manager position. Additionally, it changes the job title of the existing filled Community Improvement Manager position to Code Operations Manager to align the title to the actual function of the position. The Resolution also amends a job title within the Mayor's Office. The job title of the Community Building and Engagement Coordinator position is being updated to Community Development Strategist.

Resolution No. 56-25(F) amends the full-time equivalent budget (FTE) for the West Palm Beach Police Department and the Building Services Fund by reallocating two vacant Code Enforcement Officer positions to: one Code Enforcement Supervisor and one Code Enforcement Manager. These positions are 75% funded by the General Fund and 25% funded by the Building Services Fund.

Fiscal Note:

No fiscal impact.

8. RESOLUTIONS

- 8.1. Resolution No. 39-25 finding City-owned property located at 2410 N. Australian Avenue is not needed for City purposes, declaring the property as surplus, and authorizing negotiations with VDG Land Co., LLC, for sale of the property.

Originating Department:

Housing and Community Development

Ordinance/Resolution:

RESOLUTION NO. 39-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, FINDING THAT CITY-OWNED PROPERTY LOCATED AT 2410 NORTH AUSTRALIAN AVENUE IS NOT NEEDED FOR CITY PURPOSES AND IS DECLARED TO BE SURPLUS; AUTHORIZING THE METHOD OF DISPOSITION TO BE NEGOTIATION WITH VDG LAND CO., LLC, FOR SALE OF THE PROPERTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 39-25.

Background Information:

The City of West Palm Beach desires to make a determination of surplus for property located 2410 N. Australian Avenue consisting of approximately 1.16 acres or approximately 50,365 square feet. The property, located on Australian Avenue between Palm Beach Lakes Boulevard and 36th Street, is vacant. The property is currently zoned

Recreation Open Space.

The southern third of the site contains underground utilities, including sanitary sewer connecting to the adjacent lift station, along with overhead power lines, which will prohibit building construction over this area. Easements over the southern third of the property will need to be retained. These factors significantly impact site planning and the overall development potential of the property.

The surrounding area has historically been developed with a mix of commercial and multifamily uses. The property's high-visibility location, easy access to downtown West Palm Beach, and close proximity to Interstate 95 make it a suitable candidate for housing development. However, a multi-family residential project on the site is feasible only if the property is assembled with adjacent parcels to achieve economies of scale and enhance development viability.

The VDG Land Co. LLC, which owns the two adjacent parcels, has expressed interest in purchasing the City-owned property and assembling it with its properties to develop an affordable housing community specifically designed for employers of The Breakers. As the first-ever employer housing development in Palm Beach County, the Breakers Employee Housing Campus will provide essential employer-supported housing, addressing workforce housing needs, while delivering broader benefits to the community by freeing up other affordable housing units for the general public.

Employer housing, such as the Breakers Employee Housing Campus, is a solution for addressing housing challenges in high-cost areas. By creating dedicated housing for employees, this project ensures that essential workers can live near their workplace, reducing strain on the broader housing market and transportation. As Breakers employees move into the new campus, existing affordable housing units they currently occupy will become available to other residents, helping to alleviate housing shortages for the community at large.

Before formal negotiations with the interested party can commence, and in accordance with Section 2-31 of the City's Code of Ordinances, the City Commission must determine that the property is not needed for City purposes, declare the property as surplus, and select a method of disposition. The recommended method of disposition is formal negotiations with VDG Land Co. LLC, for sale of the property for development as workforce housing.

In compliance with the City's workforce housing program requirements, a significant portion of the units will be required to be designated as affordable and/or workforce housing for a period of no less than thirty (30) years. Given these factors and the City's goals for affordable and

workforce housing, staff has determined that selling the parcel to the interested buyer represents the highest and best value to the City.

Provided easements are retained over the southern third of the Property. The remainder of the Property is not needed for City purposes.

Resolution No. 39-25 finds that City-owned property located at 2410 N. Australian Avenue is not needed for City purposes, declares the property as surplus, and authorizes the negotiation with VDG Land Co., LLC, for sale of the property.

Commission District 1: Commissioner Cathleen Ward.

9. PUBLIC HEARING

- 9.1. Public Hearing and First Reading of Ordinance No. 5121-24: A City-initiated request for a Zoning Map amendment to rezone certain properties from Broadway Mixed-Use District Building Type I and Broadway Mixed-Use District Building Type II to Broadway Mixed-Use District (BMUD); and

Public Hearing and First Reading of Ordinance No. 5122-24: A City-initiated request for a text amendment to the Zoning and Land Development Regulations, Chapter 94, Article I Section 94-4 to designate the new Broadway Mixed-Use District zoning categories; and amending Article VII, Sections 94-209, 94-219, 94-220 and 94-221 to establish new development standards and regulations for the Broadway Mixed-Use District.

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 5121-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF WEST PALM BEACH, FLORIDA, BY REZONING THE PROPERTIES GENERALLY LOCATED BETWEEN 59TH STREET AND 25TH STREET TO THE EAST AND WEST AND FACING THE FLORIDA STATE ROAD A1A, AND CONSISTING OF APPROXIMATELY 43.9 ACRES, FROM BROADWAY MIXED-USE DISTRICT BUILDING TYPE I AND BROADWAY MIXED-USE DISTRICT BUILDING TYPE II TO BROADWAY MIXED USE DISTRICT; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE; AND A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 5122-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 94, ZONING AND LAND DEVELOPMENT REGULATION TO AMEND REGULATIONS APPLICABLE TO THE BROADWAY MIXED-USE DISTRICT AS FOLLOWS: AMENDING ARTICLE I, SECTION 94-4 ZONING DISTRICTS TO REDEFINE THE BROADWAY MIXED-USE DISTRICT CATEGORIES; AMENDING AND RESTATING ARTICLE VII. SECTION 94-209 - MIXED-USE DISTRICTS, TO ADD BMUD DEFINITIONS AND REGULATIONS; AMENDING AND RESTATING SECTION 94-219 - BROADWAY MIXED-USE DISTRICT, TO ESTABLISH NEW DEVELOPMENT STANDARDS FOR BMUD; AMENDING AND RESTATING SECTION 94-220 TO CREATE THE BROADWAY MIXED-USE DISTRICT - EXPANDED DEVELOPMENTS STANDARDS; AND DELETING SECTION 94-221 - BMUD BUILDING TYPE II REGULATIONS; DECLARING THIS AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5121-24 rezoning certain properties from Broadway Mixed-Use District Building Type I and Broadway Mixed-Use District Building Type II to Broadway Mixed-Use District (BMUD). This motion is based upon the factual testimony presented, the staff report, the recommendation of the Planning Board, the finding that the rezoning is consistent with the Comprehensive Plan, and consideration of the factors listed in Section 94-32 of the Zoning and Land Development Regulations.

Approve Ordinance No. 5122-24 approving text amendments to the Zoning and Land Development Regulations, Chapter 94, establishing new zoning categories, and development standards and regulations, for the Broadway Mixed Use District. This motion is based upon the factual testimony presented, the staff report, the recommendation of the Planning Board, the finding that the rezoning is consistent with the Comprehensive Plan, and consideration of the factors listed in Section 94-32 of the Zoning and Land Development Regulations.

Background Information:

(The information provided below is a general summary of the proposed text amendment and Rezoning. A full analysis is included in the Staff Report).

The Broadway Mixed-Use District (BMUD) is a mixed-use redevelopment area comprised of approximately 43.9 acres, generally located north of 25th Street, south of the northern City limits and to the east and west of

Broadway. The Corridor abuts other established areas within the City such as the West Northwood, Northboro Park, and Old Northwood Historic Districts.

The BMUD regulation was created in 2003 to develop a predictable, urban corridor that adds vitality to the adjacent Northwood business district and preserves the character of the adjacent residential properties (Reference: Ordinance No. 3648-03). This was the first time that City officials adopted a form-based land development zoning code.

The City of West Palm Beach, spearheaded by the Community Redevelopment Agency (CRA), sought to explore ways to implement a new vision for the Broadway Corridor in accordance with the BMUD strategic objectives. A series of stakeholder meetings held by Dover Kohl was then scheduled to solicit input from those persons directly impacted by proposed amendments to the BMUD. The live stakeholder meetings were held on:

- September 20, 2023 at the Manatee Center.
- February 7, 2024 at the Manatee Center.
- February 9, 2024 at the Esperanza Center.
- February 9, 2024 at the Northend Rise Community Center.
- October 23, 2024 at the Manatee Center.

The meetings focused on fostering discussion to formulate code amendment recommendations for the two-mile BMUD corridor along U.S.1. The feedback from the stakeholder meetings included exercises that defined current perceptions of the Broadway corridor and what the community envisioned as the desired future. The feedback and charrettes assisted with identifying the goals when revising the zoning regulations. The proposed amendments aim to support economic development, investment, and physical improvement desired in this corridor.

The amendment has combined both districts under a unified Broadway Mixed-Use District (BMUD), with the addition of the BMUD Expanded Development area regulations. The objective of the changes to the BMUD regulations is to create a predictable urban corridor that adds vibrancy to the adjacent business district and preserves the character of the adjacent residential properties while complementing the massing and height of buildings to the east and west. The proposed amendments also aim to be consistent with the CRA's vision for the BMUD and the purpose and intent of the Mixed-Use (MU) districts. The Mixed-Use District (Section 94-209) regulation is also proposed for an amendment to include both definitions and regulations that lend itself to the BMUD text amendment.

A form base code is once again utilized for the code changes as it creates more predictable results and is a way to proactively shape the rules for future buildings so that each new development contributes positively to the public realm. It also provides specificity with regard to the location of building and parking while ensuring that building meets the sidewalk and street in an intentional way. Some of the main components of the new BMUD Code are as follows:

1. HEIGHT

Under the proposed regulations, the maximum building height within BMUD is three (3) stories. However, a bonus height of three (3) additional stories, for a total of six (6) stories, is available with the provision of affordable and workforce housing. The applicant may also build up to seven (7) stories, if possible, within the maximum limit of 76 feet in height. The affordable and workforce housing should conform with Article XVII (Affordable and Workforce Housing) of the Zoning and Land Development Regulations. In order to achieve the additional four (4) stories, the public benefit should include 50% additional units at the income level reflected as follows:

- 25 % additional units at 80% AMI or less
- 45 % additional units at 100% AMI or less
- 30 % additional units at 120% AMI or less

2. SETBACK

New building setbacks are proposed for the primary frontage, secondary frontage, mid-block, and single-family property. The primary street setback is 17 feet from the back of curb, which includes the improvement area. As depicted in Figure 3 within the report, there are three (3) zones which include the streetscape improvement area, which has a seven (7) foot Furnishing/ Landscape Zone, a five (5) foot Clear Path Zone, and a five (5) foot Frontage Zone which can include furnishing for a sidewalk café or an added clear path area.

3. BMUD EXPANDED

To aid in the redevelopment along the corridor, the City proposes the Broadway Mixed-Use District Expanded, which unifies proposed development in the districts adjoining BMUD. This amendment seeks to enhance the pedestrian environment, improve economic vitality, and provide diversity in housing types. The benefits of BMUD Expanded include:

- a. Parking for buildings that are subject to parking setbacks and screening requirements.

b. Workforce Housing units provided that count towards credits for development bonuses within the BMUD District.

c. In comparison to the underlying zone, development is allowed up to three (3) stories within BMUD-E.

The expansion area can extend 660 feet from the center line of Broadway and can include the entire lot if partially within the expansion area. There are also determinants provided that limit how far the district may extend. The limitations also restrict expansion eligibility for properties within Historic Districts with contributing buildings.

PERMITTED USES

Due to BMUD's unique character as a mixed-use corridor along Broadway which is flanked by established residential districts, the text amendment will also include a list of separate uses. A BMUD Permitted Use Table will therefore be provided in Section 94-219, Table VII-22 of the proposed amendment. The uses will be classified into three (3) categories which include uses permitted by right (P), uses permitted by right subject to extra requirements (PXR), and Special Use Permits (Sa and Sb).

The Planning Board recommended approval with conditions (7-0) of this request to the City Commission after a Public Hearing on December 17, 2024, based on the testimony presented at the hearing, along with the application submitted and the Staff Report, that the request does comply with the standards for the Text Amendment and Rezoning.

NOTICES

Individual notices were mailed to property owners within 500 feet of the affected parcels, and the ordinances were advertised in the Palm Beach Post.

Commission District 1: Commissioner Cathleen Ward.

- 9.2. Public Hearing and First Reading of Ordinance No. 5124-25: A City initiated text amendment to the Zoning and Land Development Regulations (ZLDRs) at Section 94-11, Applications, to amend required documentation for proof of ownership and Section 94-611, Definitions, to clarify the definition for building height, fence/wall height measurement, and dwelling unit.

Originating Department:
Development Services

Ordinance/Resolution:

ORDINANCE NO. 5124-25: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 94, ZONING AND LAND DEVELOPMENT REGULATIONS; TO CLARIFY CERTAIN PROCEDURES AND DEFINITIONS; AMENDING ARTICLE II – ORGANIZATION, ADMINISTRATION, AND ENFORCEMENT AT SECTION 94-41 (APPLICATIONS) TO CLARIFY DOCUMENTATION REQUIRED FOR DISCLOSURE OF OWNERSHIP AND PERMIT PURCHASERS UNDER CONTRACT TO SUBMIT APPLICATIONS; AMENDING ARTICLE XIX - DEFINITIONS; SECTION 94-611 (DEFINITIONS) TO CLARIFY THE DEFINITION OF HEIGHT OF STRUCTURE; AND AMENDING THE DEFINITION OF DWELLING UNIT; DECLARING THESE AMENDMENTS TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5124-25 amending Chapter 94, Zoning and Land Development Regulations, at Section 94-41, Applications, and Section 94-611, Definitions. This motion is based upon the factual testimony presented, the staff report, the recommendation of the Planning Board, and the findings that the proposed amendment complies with all the amendment standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

Background Information:

(The information provided below is a general summary of the proposed text amendment. A full analysis is included in the Staff Report).

From time to time, the Planning Division determines that the Zoning and Land Development Regulations require clarifications resulting from other revisions or to clarify varying interpretations. As a result of this, staff is proposing this text amendment:

1. Update what forms of owner consent are acceptable for the submittal of development applications.
2. Due to an amendment of the building code regarding the requirement for any new construction to be built at the base flood elevation, clarifying the ZLDR definition of structure height and addressing both building and fence/wall height.

3. Resulting from the increase in construction of high-end condo units in the City, there has been an increase in requests to have two (2) kitchens in one (1) dwelling unit. Therefore, staff is amending the definition for dwelling unit to allow up to two (2) kitchens, provided that all kitchens serve a single dwelling unit and are for the use of a single household.

The Planning Board recommended approval with conditions (6-1) of this request to the City Commission after a Public Hearing on December 17, 2024, based on the testimony presented at the hearing, along with the application submitted and the Staff Report that the request complies with the standards for text amendments.

Ordinance No. 5124-25 approves text amendments addressing the three (3) items described above.

Fiscal Note:

No fiscal impact.

10. PUBLIC HEARING - QUASI-JUDICIAL

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

10.1. Public Hearing of Resolution No. 270-24 regarding a Major Amendment to the West Palm Commerce Park Industrial Planned Development located on the west side of Haverhill Road, approximately one quarter (1/4) mile south of 45th Street, to allow church and accessory daycare uses on Lot 6.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 270-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE WEST PALM COMMERCE PARK INDUSTRIAL PLANNED DEVELOPMENT (IPD), LOCATED ON THE WEST SIDE OF HAVERHILL ROAD, APPROXIMATELY ONE QUARTER (1/4) MILE SOUTH OF 45TH STREET, TO ALLOW CHURCH AND ACCESSORY CHILD DAYCARE USES ON LOT 6; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 270-24, which will approve the Major Amendment to the West Palm Commerce Park Industrial Planned Development, based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board, the

findings that the request complies with the Comprehensive Plan, and the standards in Section 94-32(a) of the City's Zoning and Land Development Regulations.

Background Information:

(The information provided below is a general summary. A complete analysis is included in the Staff Report.)

The subject property is approximately 2.95 acres and is located south of Tylerlakes Boulevard and west of North Haverhill Road. The subject property is a part of the 50.33-acre West Palm Commerce Park Industrial Planned Development (IPD), which was established with the adoption of Ordinance No. 3181-98. On January 11, 1999, the adoption of this ordinance rezoned the property from Industrial (I) to Industrial Planned Development (IPD).

Pursuant to the City's Zoning and Land Development Regulations (ZLDRs), churches are classified as "churches, synagogues and other houses of worship" and the accessory child daycare as "day care facilities, children as accessory use in houses of worship, schools, both public and private". The West Palm Beach Commerce Park IPD does not permit religious and accessory private childcare uses; therefore, the applicant is requesting a major planned development amendment to include the requested uses.

After review of the proposed uses, the location at which it is proposed, and the minimal external impact that would result, it is staff's professional opinion that the uses will compliment the surrounding area and around the North Haverhill corridor.

The Planning Board recommended approval with conditions (7-0) of this request to the City Commission after a Public Hearing on November 19, 2024, based on the testimony presented at the hearing, along with the application submitted and the Staff Report, that the request does comply with the standards for the Planned Development Major Amendment.

NOTICES

Individual notices were mailed to property owners within 500 feet of the subject property, the site was posted, and the resolution was advertised in the Palm Beach Post. To date, the City has not received any inquiry regarding the general nature of this request.

Commission District 4: Commissioner Joseph Peduzzi.

11. COMMENTS FROM THE PUBLIC

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

12. COMMENTS BY THE MAYOR AND CITY COMMISSIONERS

13. ADJOURNMENT

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

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