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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
Monday, March 17, 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. PRESENTATION

- 6.1. Check presentation to the City of West Palm Beach by Congresswoman Sheila Cherfilus-McCormick.

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. Resolution No. 55-25 supporting the use of the Intergovernmental Coordination Program and formation of a technical advisory committee to collaborate and coordinate compiling transportation project data from all municipalities within Palm Beach County.

Originating Department:
Mayor's Office

Ordinance/Resolution:

RESOLUTION NO. 55-25: A RESOLUTION OF THE CITY OF WEST PALM BEACH, FLORIDA, SUPPORTING THE USE OF THE INTERGOVERNMENTAL COORDINATION PROGRAM AND FORMATION OF A TECHNICAL ADVISORY COMMITTEE TO PROVIDE INPUT TO THE COUNTY'S CONSULTANT SELECTED TO PREPARE A COUNTYWIDE TRANSPORTATION PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

Background Information:

Palm Beach County is in the process of obtaining consultant services to assess the county-wide transportation network, which crosses many jurisdictional boundaries. Because the road network crosses many jurisdictional boundaries, review of the network requires input and information from all municipalities within the County.

Palm Beach County shared its RPF with City of West Palm Beach staff, who reviewed and provided suggestions related to the scope of services for this effort. Palm Beach County intends to collect data from all municipalities and has identified the Intergovernmental Coordination Program, the program used for processing Comprehensive Plan amendments, (ICP) as an efficient means of including the ICP participating municipalities in its efforts to obtain input and compile data. The County also proposes to use ICP to establish a technical advisory committee. The County has advised the City of West Palm Beach that its participation in this process in no way impacts its right granted under section 163.3180, Florida Statutes, including but not limited to adoption of

a mobility plan.

Adoption of Resolution No. 55-25 expresses the City's support for use of the ICP process and formation of a technical advisory committee to provide input and advice to the County's consulting firm.

Fiscal Note:

No fiscal impact

- 7.2. Resolution No. 67-25 approves a Conditional Settlement Agreement totaling \$50,000 in the matter of Lee Hendelson v. The City of West Palm Beach.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 67-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CONDITIONAL SETTLEMENT AGREEMENT TOTALING \$50,000 IN THE MATTER OF LEE HENDELSON V. THE CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

Lee Hendelson filed a complaint for damages stemming from a slip/trip and fall accident which occurred on or about December 23, 2020, at or near 2810 Cuyahoga Lane, West Palm Beach, Palm Beach County, Florida, to wit: LEE HENDELSON vs. THE CITY OF WEST PALM BEACH filed in the Fifteenth Judicial Circuit, In and for Palm Beach County, Florida, Case No. 50-2023-CA-006620-XXXX-MB AJ.

The City reached a conditional settlement agreement with Lee Hendelson and his attorney at mediation of the parties held August 8, 2024, to resolve the matter for a total of \$50,000 in exchange for a general release of all claims, including all attorney's fees and costs.

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

Resolution No. 67-25 approves the Conditional Settlement Agreement.

Fiscal Note:

Settlements are paid out of the Risk Annual Budget.

- 7.3. Resolution No. 68-25 approves a Conditional Settlement Agreement totaling \$50,000 in the matter of Jamiah Smith v. The City of West Palm Beach and Nicholas Lordi, individually.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 68-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CONDITIONAL SETTLEMENT AGREEMENT TOTALING \$50,000 IN THE MATTER OF JAMIAH SMITH V. CITY OF WEST PALM BEACH AND NICHOLAS LORDI, INDIVIDUALLY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

Jamiah Smith filed a complaint alleging injuries and violation of his civil rights stemming from an incident which occurred on or about January 11, 2020 and/or January 22, 2020, to wit: JAMIAH SMITH v. THE CITY OF WEST PALM BEACH and NICHOLAS LORDI, individually, filed in the United States District Court for the Southern District of Florida, Case No. 24-CV-80749-DMM (the "Action").

The City reached a settlement agreement with Jamiah Smith and his attorney on January 15, 2025, to resolve the matter for a total of \$50,000. The plaintiff signed a general release that releases the City from all claims arising from this accident, which resolves all of the claims for damages, including attorneys' fees and costs, against the City of West Palm Beach.

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

Resolution No. 68-25 approves the Conditional Settlement Agreement.

Fiscal Note:

Settlements are paid out of the Risk Annual Budget.

- 7.4. Resolution No. 69-25 authorizing the West Palm Beach Police Department to join the State of Florida, FDLE, State Financial For Fentanyl Eradication (S.A.F.E.) initiative and approve the related mutual aid agreement; and

Resolution No. 34-25(F) approving the allocation of funding from the State of Florida - State Financial Assistance For Fentanyl Eradication (S.A.F.E.) initiative in the amount of \$147,515 to assist in conducting complex criminal investigations.

Originating Department:

Police

Ordinance/Resolution:

RESOLUTION NO. 69-25 RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE WEST PALM BEACH POLICE DEPARTMENT TO JOIN THE FDLE S.A.F.E INITIATIVE AND APPROVING THE RELATED MUTUAL AID AGREEMENT; AUTHORIZING SUBMITTAL FOR FINANCIAL ASSISTANCE FOR THE COSTS INCURRED FROM PARTICIPATION IN THE S.A.F.E. INITIATIVE AND APPROVING THE FINANCIAL ASSISTANCE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND OTHER PURPOSES.

RESOLUTION NO. 34-25(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 GRANT PROGRAMS SPECIAL REVENUE FUND BUDGET TO RECOGNIZE GRANT PROCEEDS FROM THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT PROVIDING APPROPRIATIONS FOR INVESTIGATIVE SERVICES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The West Palm Beach Police Department (WPBPD) conducts complex criminal investigations by members of the Criminal Investigative Division (CID) and Special Investigation Division (SID). Many investigations are of a sensitive and/or confidential nature. Narcotics investigations are one of these types of investigations.

The WPBPD is seeking to participate in the State of Florida – State Financial Assistance for Fentanyl Eradication (S.A.F.E.) program. The WPBPD is initially requesting \$147,515 in funding to conduct investigations related to crimes involving fentanyl activities.

The S.A.F.E. program is available to conduct investigations designed to

combat illegal fentanyl-related investigative operations, which may include:

- Overtime and Related Benefits
- Relevant Travel Costs
- Purchase of Investigative Supplies
- Equipment Purchases
- Relevant Contractual Services
- Training Costs
- Other Costs Associated with Cases Focusing on Fentanyl Eradication

The S.A.F.E. program is administered through the Florida Department of Law Enforcement (FDLE).

Resolution No. 69-25 authorizes the Police Department to join with FDLE in the S.A.F.E. Initiative program; and authorizes the Mayor to execute the Mutual Aid Addendum to the Mutual Aid Agreement and the Financial Assistance Agreement.

Fiscal Note:

Approval will recognize grant proceeds from FDLE providing appropriations for investigative services.

8. RESOLUTIONS

- 8.1. Resolution No. 35-25 accepting the City's 2024 Affordable Housing Incentives Report, authorizing amending the City's Local Housing Assistance Plan to include the report, authorizing transmittal of the amended plan to the Florida Housing Finance Corporation, and authorizing implementation of the recommendations in the report.

Originating Department:

Housing and Community Development

Ordinance/Resolution:

RESOLUTION NO. 35-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA ACCEPTING THE CITY'S 2024 AFFORDABLE HOUSING INCENTIVES REPORT CONTAINING RECOMMENDATIONS OF THE AFFORDABLE HOUSING ADVISORY COMMITTEE; AUTHORIZING AMENDING THE CITY'S LOCAL HOUSING ASSISTANCE PLAN TO INCLUDE THE REPORT; AUTHORIZING TRANSMITTAL OF THE AMENDED PLAN TO FLORIDA HOUSING FINANCE CORPORATION; AUTHORIZING IMPLEMENTATION OF THE RECOMMENDATIONS PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 35-25.

Background Information:

The State of Florida enacted the State Housing Initiatives Partnership Act (“Act”) also known as the William E. Sadowski Affordable Housing Act, which allocates a portion of new and existing documentary stamp taxes on deeds to local governments for the creation and preservation of affordable housing through the State Housing Initiatives Partnership (SHIP) Program.

The Act requires that in order to receive SHIP funds, the governing board of the local government must establish and appoint members to an Affordable Housing Advisory Committee (AHAC), appointed by resolution, to recommend monetary and non-monetary incentives to encourage or facilitate affordable housing.

On August 19, 2024, the City Commission of the City of West Palm Beach approved Resolution No. 123-24 appointing ten (10) members for three-year terms to the AHAC pursuant to Section 420.9076(2) of the Florida Statutes. Among its other duties, the AHAC committee is required to meet annually to recommend affordable housing regulatory incentives to the City Commission for adoption as required by Florida Statutes 420.9076(4).

The AHAC is charged with the review of the established policies and procedures, ordinances, development regulations, and the adopted local government comprehensive plan. After such review, the AHAC is required to recommend specific actions or initiatives to encourage or facilitate affordable or workforce housing under the Housing Element requirement at s. 163.3177(f) of the Florida Statutes. The recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations, or plan provisions; the creation of exceptions applicable to affordable housing; or the adoption of new policies, procedures, regulations, ordinances, or plan provisions, including recommendations to amend the local government comprehensive plan and corresponding regulations, ordinances, and other policies.

After conducting several public meetings, the committee made recommendations on policy, programs, and procedures to assist the City in furthering the affordable housing incentives. At the conclusion of the public meetings, the committee held a public hearing and adopted a Housing Incentive Strategies Report. On December 31, 2024, the AHAC-approved Housing Incentive Strategies Report, (“AHAC Report”) was submitted to the Mayor, City Commissioners, the Florida Housing Finance Corporation, and the Florida Housing Coalition. The report included recommendations on affordable housing incentives in twelve (12) areas, eleven (11) of which are required for consideration by Florida Statutes, as

follows:

- (a) The processing of approvals of development orders or permits for affordable housing projects is expedited to a greater degree than other projects, as provided in s. 163.3177(6)(f)3, Florida Statutes.
- (b) All allowable fee waivers provided for the development or construction of affordable housing.
- (c) The allowance of flexibility in densities for affordable housing.
- (d) The reservation of infrastructure capacity for housing for very-low-income persons, low-income persons, and moderate-income persons.
- (e) Affordable accessory residential units.
- (f) The reduction of parking and setback requirements for affordable housing.
- (g) The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.
- (h) The modification of street requirements for affordable housing.
- (i) The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.
- (j) The preparation of a printed inventory of locally owned public lands suitable for affordable housing.
- (k) The support of development near transportation hubs and major employment centers and mixed-use developments.

The twelfth incentive that was considered by the AHAC was the creation of a One Stop Affordable Workforce Resource to provide developers with a single source of information for the development of affordable and workforce housing units in the City.

The staff of the Department of Housing and Community Development agrees with the proposed incentives contained in the AHAC Report. Any incentives that are adopted by the City become a part of the Local Housing Assistance Plan (LHAP). The City adopted its current LHAP by Resolution No. 114-24 on June 10, 2024, covering the period July 1, 2024 – June 30, 2027. In order to incorporate the adopted incentive strategies, the City is required to amend its LHAP within ninety (90) days

of receipt of the AHAC Report.

Staff requests approval of Resolution No. 35-25, which accepts the 2024 Housing Incentives Report and authorizes the implementation of the incentive recommendations in the report.

Fiscal Note:

No fiscal impact.

9. PUBLIC HEARING

- 9.1. Public Hearing and Second 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 Second 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:

UPDATES FROM FIRST READING ORDINANCE NO. 5122-24

For the second reading, the following changes were introduced:

1. Changes were made to the Zoning Districts Table for Section 94-4 to add zoning districts that were missing and delete districts which are no longer in the Code.

2. Revisions to allow single family development within the BMUD district (not within 75 feet from the Broadway frontage).

3. Minor formatting edits.

(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 buildings meet 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 four (4) additional stories, for a total of seven (7) stories, is available with the provision of affordable and workforce housing, 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 of Resolution No. 65-25 regarding a request of Brian Chegus, of iPlan & Design, LLC (The Applicant), on behalf of 215 ESSEX RE LLC and ESSEX COURT HOLDINGS LLC (The Owner), for the abandonment of a portion of approximately 0.029 acres (1,294 square feet) of the northernmost leg of the Essex Court right-of-way, generally located at the terminus of Essex Lane (a 20-foot-wide dead-end roadway terminus).

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 65-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, VACATING AND ABANDONING A PORTION OF AN APPROXIMATELY 0,0029 ACRES (1,294 SQUARE FEET) OF ESSEX COURT, WHICH IS A PLATTED RIGHT-OF-WAY, GENERALLY LOCATED AT THE INTERSECTION OF ESSEX COURT AND ESSEX LANE; AUTHORIZING EXECUTION OF A DISCLAIMER OF INTEREST IN THE AFORESAID RIGHT-OF-WAY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 65-25.

Background Information:

Brian Chegus, of iPlan & Design, LLC, on behalf of 215 ESSEX RE LLC and ESSEX COURT HOLDINGS LLC (the "Applicant") submitted a request for the abandonment of a portion of the northernmost leg of the Essex Court right-of-way, generally located at the terminus of Essex Lane (a 20-foot-wide dead-end roadway terminus), pursuant to Article VII of Chapter 78 (Streets, Sidewalks and Public Places) of the Code of Ordinances of the City of West Palm Beach, Florida. The applicant owns the adjacent properties directly to the north, east, and west of the subject right-of-way, and is utilized by the owner to access the properties. The abandonment will allow full utilization and integration with the north, east, and west properties. The portion of the right-of-way considered for the abandonment consists of approximately 0.029 acres (1,294 square feet) of land.

COMPENSATION TO THE CITY

The Applicant has agreed to compensate the City in the amount of \$220,000 as the value for partial right-of-way abandonment, as estimated by an appraisal conducted by Anderson & Carr, Inc., dated January 30, 2025.

STANDARDS

Staff found that the requested abandonment complies with the abandonment criteria of Section 78-217 of the City's Code of Ordinances.

PUBLIC NOTICE

Pursuant to the requirements of Section 78-215(b) of the Code of Ordinances, individual notices were mailed to all property owners within 400 feet of the subject right-of-way, and signs were also posted in the vicinity of the subject right-of-way on February 17, 2025.

Resolution No. 65-25 approves the abandonment of the subject area conditioned upon receipt within twelve (12) months of the \$220,000 compensation.

Commission District 5: Commissioner Christina Lambert.

Fiscal Note:

\$220,000 consideration to be paid by the Applicant to the City.

10. PUBLIC HEARING - QUASI-JUDICIAL

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

- 10.1. Public Hearing and First Reading of Ordinance No. 5125-25 regarding a Rezoning to change the Zoning designation of approximately 1.45 acres located at 4906 North Flagler Drive from Multifamily High Density Residential to Residential Planned Development; and

Resolution No. 51-25 discussion regarding the development regulations and conditions for the Apogee Residential Planned Development, and granting waivers of the Zoning and Land Development Regulations.

The above-referenced requests are being made by Brian M. Seymour, Esq. and John P. Roach, AICP of Gunster, on behalf of 4906 N FLAGLER DRIVE LLC, to create the Apogee Residential Planned Development.

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 5125-25: 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 ONE PARCEL LOCATED AT 4906 NORTH FLAGLER DRIVE, APPROXIMATELY 1.45 ACRES, FROM MULTIFAMILY HIGH DENSITY RESIDENTIAL (MF32) TO RESIDENTIAL PLANNED DEVELOPMENT (RPD) TO CREATE THE APOGEE RESIDENTIAL PLANNED DEVELOPMENT; PROVIDING FOR THE ESTABLISHMENT OF DEVELOPMENT REGULATIONS BY SEPARATE RESOLUTION; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REVISING THE ZONING MAP OF THE CITY ACCORDINGLY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 51-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ESTABLISHING THE DEVELOPMENT REGULATIONS, INCLUDING THE SITE AND LANDSCAPE PLANS AND BUILDING ELEVATIONS, FOR THE APOGEE RESIDENTIAL PLANNED DEVELOPMENT LOCATED AT 4906 NORTH FLAGLER DRIVE; GRANTING WAIVERS TO THE ZONING AND LAND DEVELOPMENT REGULATIONS; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5125-25, a rezoning to change the Zoning designation of approximately 1.45 acres located at 4906 North Flagler Drive from Multifamily High Density Residential to Residential Planned Development. This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board, and the findings that the request complies with the Comprehensive Plan and the standards in Sections 94-32 of the City's Zoning and Land Development Regulations.

Resolution No. 51-25 to be considered for approval at Second Reading of the related ordinance at the March 31, 2025 City Commission Meeting.

Background Information:

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

The subject property is comprised of one (1) parcel, with the address of 4906 North Flagler Drive, consisting of approximately 1.45 acres. Specifically, the subject property is located on the east side of North Flagler Drive, between 48th Street and 49th Street. The subject property has frontage along North Flagler Drive. The subject property contains an existing single-family dwelling, two (2) accessory dwellings, and a boat dock.

The applicant proposes constructing a 39-unit multifamily residential

development on the subject property. To effectuate the plans and to allow the request of the waivers from the City's Zoning and Land Development Regulations (ZLDRs), an application was submitted to change the zoning designation of one (1) parcel from Multifamily High Density Residential (MF32) to Residential Planned Development (RPD).

The applicant is requesting an 8.55-acre waiver from the minimum area requirement for a RPD per Section 94-207(c)(2) of the ZLDRs (which is described and analyzed in the Staff Report). It is staff's professional opinion that with the finding that particular circumstances justify the reduction of the planned development acreage to less than ten (10) acres and that the requirements for the planned development district zoning and the benefits to be derived from the planned development district zoning can be derived in such a lesser area. The proposed RPD complies with the City's Comprehensive Plan, and that the proposed development, with the waivers granted, will comply with the standards required by the ZLDRs. Planning staff, therefore, is recommending approval, subject to the conditions contained in Resolution No. 51-25.

PLANNING BOARD

After a Public Hearing on January 22, 2025, the Planning Board recommended approval (6-0).

PUBLIC NOTICE

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

Commission District 1: Commissioner Cathleen Ward.

- 10.2. Public Hearing of Resolution No. 59-25: A request by Joseph Verdone of Carlton Fields, on behalf of WIRE F2 WPB SELF STORAGE LLC, for a re-plat and minor subdivision of the property, consisting of approximately 1.46 acres, located at 1501 and 1515 North Dixie Highway and 424 L A Kirksey Street (15th Street).

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 59-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A REPLAT AND MINOR SUBDIVISION OF REAL PROPERTY TO CREATE THE PLAT ENTITLED "WIRE F2 WPB SELF STORAGE LLC", CONSISTING OF FOUR (4) PARCELS AND CONTAINING A TOTAL OF APPROXIMATELY 1.46 ACRES LOCATED ON THE WEST SIDE OF NORTH DIXIE HIGHWAY BETWEEN L A

KIRKSEY STREET (15TH STREET) AND 14TH STREET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 59-25 creating the plat entitled "WIRE F2 WPB SELF STORAGE LLC".

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

Background Information:

The subject property, consisting of 1.46 acres, is located on the west side of North Dixie Highway between L A Kirksey Street (15th Street) and 14th Street. A location map of the subject area is provided in EXHIBIT A.

By Resolution No. 116-23, the City Commission previously approved the development regulations for the Kirksey Commons Commercial Planned Development (CPD) for the subject property. (Planning Board Case No. 1941 approved per Resolution No. 116-23).

By Resolution No. 117-23, the City Commission previously approved abandonment of a portion of the alley, which is now part of the subject property. (Planning Board Case No. 1942 approved per Resolution No. 117-23).

The applicant desires to combine the various lots and the abandoned portion of the alley into one (1) lot on the subject property to satisfy one of the conditions of approval for the Kirksey Commons CPD (Resolution No. 116-23) and to create the plat entitled "WIRE F2 WPB SELF STORAGE LLC".

STANDARDS

1. Staff found that the submitted plat complies with all applicable provisions of Chapter 177, Florida Statutes.
2. Staff found that the requested Minor Subdivision (Replat) complies with the subdivision general design standards as established in Section 94-342 of the City's Zoning and Land Development Regulations.

Resolution No. 59-25 approves the consolidation of the properties into one lot and approves the plat entitled "WIRE F2 WPB SELF STORAGE LLC".

NOTICES

Pursuant to the requirements of Section 94-39(i)(5) and 94-39(j)(2) of the City's Zoning and Land Development Regulations, the site was posted, individual notices were mailed to property owners within 500 feet of the subject property, 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 1: Commissioner Cathleen Ward.

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.