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

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

City of West Palm Beach
City Commission
Pass/Fail Agenda
Tuesday, May 27, 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- 5:00 P.M.

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- NONE.

6. CONSENT CALENDAR- ALL ITEMS WERE APPROVED.

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

- 6.1. Minutes of the Regular City Commission Meeting of April 14, 2025.

Originating Department:

Mayor's Office

- 6.2. Minutes of the Regular City Commission Meeting of April 28, 2025.

Originating Department:

Mayor's Office

- 6.3. Resolution No. 87-25 authorizing the assessment of City liens in the total amount of \$17,038.91 for unpaid water service, sewer service, and stormwater service charges for the month of January 2025.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 87-25: 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 CHARGES FOR THE MONTH OF JANUARY 2025; 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.

Background Information:

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. 87-25 are for unpaid water service, sewer service, and stormwater service charges for the month of January 2025.

The list of properties to be assessed and the associated charges totaling \$17,038.91 are provided in Resolution No. 87-25 as EXHIBIT A - Utility Lien List - January 2025.

Fiscal Note:

No fiscal impact.

- 6.4. Resolution No. 124-25 approves a Settlement Agreement totaling \$49,900 in the matter of Marcos Orozco, Employee/Claimant.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 124-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SETTLEMENT AGREEMENT FOR \$49,900 IN THE MATTER OF MARCOS OROZCO, EMPLOYEE/CLAIMANT V. CITY OF WEST PALM BEACH AND CORVEL ENTERPRISE COMP, INC., EMPLOYER/SERVICING AGENT, IN THE STATE OF FLORIDA, DIVISION OF ADMINISTRATIVE HEARINGS, OFFICE OF JUDGE OF COMPENSATION, CLAIM NO. 25-010634TAH.

Background Information:

Marcos Orozco brought a workers' compensation claim that stems from an accident and/or occupational disease wherein the employee/claimant was injured in the course and scope of his employment on or about May 15, 2019.

The City has reached a settlement agreement with Marcos Orozco (employee/claimant) and his attorney to resolve the matter for a total of \$49,900; in exchange for a general release of all workers' compensation claims, attorney's fees, and any and all employment claims, and authorizes the appropriate officials to execute the necessary settlement documentation.

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 over \$30,000 shall require the approval of the City Commission by formal resolution.

Resolution No. 124-25 approves the Settlement Agreement.

Fiscal Note:

Settlements are paid out of the Risk Annual Budget.

- 6.5. Resolution No. 136-25 approving and providing comments to the proposed gates identified in Exhibit 1 for security of the pedestrian walkway at the Waterview Tower's Condominium as required by the Settlement Agreement and Walkway Easement Agreement.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 136-25: A RESOLUTION OF THE CITY

COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, IN ITS PROPRIETARY CAPACITY, APPROVING AND PROVIDING COMMENTS TO THE PROPOSED GATES AS IDENTIFIED IN THE WALKWAY EASEMENT AREA AS PART OF THE WALKWAY EASEMENT AGREEMENT ENTERED INTO BETWEEN WATERVIEW TOWERS CONDOMINIUM ASSOCIATION, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION AND THE CITY OF WEST PALM BEACH PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The City Commission under City of West Palm Beach Resolution No. 258-24 approved a settlement agreement between The Waterview Towers Condominium Association, Inc., (“Waterview”), The City of West Palm Beach (“City”), Leisure Resorts LLC (“Leisure”), and Palm Harbor Hotel, LLC (“PHH”).

The settlement agreement included a requirement that Waterview grant the City a non-exclusive easement for the purpose of providing pedestrian access to the general public over a portion of the Common Elements having approximately the same width as the existing paved walkway extending from the current north terminus of the existing paved walkway to a point where it connects with the public right-of-way that is part of the Flagler Memorial Bridge in exchange for rent credit. Before the general public can have access to the walkway, the agreement provides that two (2) security gates will be installed. Paragraph 4(d) of the Walkway Easement Agreement specifies that “Leisure and Waterview shall provide the City detailed plans and specifications for any gate...to be installed in the Walkway Easement Area” and, thereafter, the “City, in its proprietary capacity, shall provide written approval or comments for required changes to the gates...to the Association and Leisure within 30 days of receipt of the submission...”

On May 6, 2025, the City received specifications for the gates shown on Exhibit 1. A review of the proposed gates is only in a proprietary capacity. The plans must be submitted to and reviewed for compliance with the City’s Zoning and Land Development Code before a permit will be issued.

Approval of Resolution No. 136-25 will enable Waterview and/or Leisure to apply for the appropriate permits required for the installation of the gates.

- 6.6. Resolution No. 118-25(F) authorizing the amendment of current Fiscal Year 2024/2025 American Rescue Plan Act Grant Funds to close Fund 126 and move cash carryforward balances to Fund 326 and to reallocate budget appropriations to cover increased costs of EMS rescue vehicles and fire trucks.

Originating Department:

Finance

Ordinance/Resolution:

RESOLUTION NO. 118-25(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 CLOSING THE AMERICAN RESCUE PLAN ACT GRANT FUND 126 AND AMENDING THE AMERICAN RESCUE PLAN ACT CAPITAL GRANT FUND 326 BUDGETS TO RECORD CASH CARRYFORWARD BALANCE AND TO REALLOCATE BUDGET APPROPRIATIONS TO COVER INCREASED COSTS OF EMS RESCUE VEHICLES AND FIRE TRUCKS AND FOR ACCOUNTING AND REPORTING PURPOSES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The City of West Palm Beach was awarded a total of \$24,530,823 paid in two (2) tranches of \$12,265,411.50 from the U. S. Department of Treasury under the American Rescue Plan Act (ARPA).

The first tranche of revenue was received by the City in the amount of \$12,265,411.50 on May 19, 2021, and deposited in Fund 126, American Rescue Plan Act Grant Fund.

The second tranche of \$12,265,411.50 was received on August 1, 2022, and deposited into Fund 326, American Rescue Plan Act Capital Grant Fund.

The remaining Fund 126 dollars of \$6,144,438 will be transferred to Fund 326 to support the obligated capital project allocations.

The grant obligation deadline is December 31, 2024, and any funds not obligated must be returned to the U.S. Department of Treasury.

As of the grant quarter ending March 31, 2025, the full amount of the grant (\$24.5M) has been committed and obligated for identified grant projects as follows:

59 Vehicle Replacements	\$9.2M
4 EMS Rescues	\$2.1M
Grant Management and Reporting	\$0.6M
Public Health--Vaccine Incentive	\$0.4M
Premium Pay--Public Section Employees	\$4.3M
Gaines Park Community Center Renovations	\$6.3M
Roosevelt Estates Sidewalks	\$0.9M
Spruce and Pinewood Sidewalks	\$0.7M

ARPA GRANT FUNDS REALLOCATIONS

Unspent carryforward of \$13,942 in Fund 326 will be used to fund the increased cost of additional accessories added to the four (4) EMS Rescue vehicles originally obligated in May 2022.

Resolution No. 118-25(F) provides for the accounting entries necessary for the purpose of closing Fund 126 and for moving revenue and expenditure budget and any subsequent grant interest earnings to Fund 326. Fund transfers and cash carryforward are based on the fund balances as of March 31, 2025.

Fiscal Note:

Approval will authorize FY2024/2025 ARPA Grant budget reallocations and cash carryforward and the closing of Fund 126.

- 6.7. Resolution No. 125-25 authorizing a license agreement with the Palm Beach Venture Philanthropy, Inc. for the placement and operation of a Pop-Up Library and Community Placemaking Hub.

Originating Department:

Housing and Community Development

Ordinance/Resolution:

RESOLUTION NO. 125-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A LICENSE AGREEMENT BETWEEN PALM BEACH VENTURE PHILANTHROPY, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, AND THE CITY OF WEST PALM BEACH, FOR THE USE OF THE PROPERTY LOCATED AT 2003 TAMARIND AVENUE FOR THE OPERATION OF A POP-UP LIBRARY AND COMMUNITY PLACEMAKING HUB; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The City of West Palm Beach owns the property located at 2003 Tamarind Avenue in the Coleman Park neighborhood. Palm Beach Venture Philanthropy (PBVP), a local nonprofit working to address long-standing disparities in Coleman Park, has requested a temporary license agreement to use the site for a pop-up library and community space.

PBVP intends to launch the Taylor Moxey Pop-Up Library to provide residents with access to literacy resources and a welcoming public space. The project will feature weekly story hours, outdoor performances, and small community gatherings designed to promote learning, connection, and neighborhood pride while activating an underused parcel.

Under the license agreement, PBVP will have exclusive use of the area and will cover all associated costs, including utilities, maintenance, security, and insurance. The agreement includes standard terms for liability and compliance and is revocable by either party with thirty (30) days' notice. PBVP will also submit regular reports to the City on attendance and community feedback.

The proposed initiative aligns with the City's goals to expand access to public amenities, promote literacy, and support equitable neighborhood revitalization. As such, staff supports and recommends approval of Resolution No. 125-25 authorizing a license agreement with Palm Beach Venture Philanthropy, Inc. for the placement and operation of a Pop-Up Library and Community Placemaking Hub.

Commission District 1: Commissioner Cathleen Ward.

Fiscal Note:

No fiscal impact.

- 6.8. Resolution No. 126-25(F) approving the allocation of supplemental funding from the State of Florida - State Financial Assistance For Fentanyl Eradication (S.A.F.E.) initiative in the amount of \$103,000 to assist in conducting complex criminal investigations.

Originating Department:

Police

Ordinance/Resolution:

RESOLUTION NO. 126-25(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 a participant in the State of Florida – State Financial Assistance for Fentanyl Eradication (S.A.F.E.) program. The WPBPD initially received \$147,500 in funding to conduct investigations related to crimes involving fentanyl activities.

The WPBPD has been approved for \$103,000 in supplemental FDLE funding for the S.A.F.E. program related criminal investigations.

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).

Fiscal Note:

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

- 6.9. Resolution No. 127-25(F) establishing a revenue account to recognize receipts paid to the City of West Palm Beach for towing services provided by Kauff's Towing and Sheehan's Towing in accordance with Ordinance No. 4999-22.

Originating Department:

Police

Ordinance/Resolution:

RESOLUTION NO. 127-25(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

GENERAL FUND BUDGET TO RECOGNIZE THE RECEIPT OF REVENUE FOR TOWING ADMINISTRATIVE FEES TO PROVIDE APPROPRIATIONS FOR OFFICER TIME SPENT CLEARING THE INCIDENT SCENE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The City of West Palm Beach (CWPB) Ordinance No. 4999-22 established the City's Wrecker Operator System. The ordinance provides the method of selection and qualifications for operators and imposes an administrative fee in the amount of 25 percent (25%) of the maximum towing rate established by Palm Beach County from time to time. The ordinance authorizes wrecker operators to collect the fee on behalf of the City. The administrative fee shall be collected by the authorized wrecker operator and remitted to the City on or before the 15th day of the month immediately following the month in which the fee was collected.

This revenue is allowable to offset the cost of officer time at the scene to clear the incident. Establishing a revenue account is needed to recognize receipts paid to the CWPB from towing services provided by Kauff's Towing and Sheehan's Towing in accordance with Ordinance No. 4999-22.

Fiscal Note:

Approval will recognize revenue proceeds from towing administrative fees and provide appropriations to offset officer time spent clearing the incident scene.

- 6.10. Resolution No. 137-25 approving a Sovereignty Submerged Lands Fee Waived Lease with the Board of Trustees of the Internal Trust Fund of the State of Florida for certain waterside improvements to be made at Currie Park.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 137-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SOVEREIGNTY SUBMERGED LAND LEASE WITH THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA FOR AN AREA ADJACENT TO CURRIE PARK; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

While developing the design and scope of Currie Park improvements, it was determined that parcels of State of Florida sovereignty submerged land in the Intracoastal Waterway of approximately 46.695 square feet

were needed for various recreational amenities and enhancements to the shoreline. The redevelopment includes several waterside features, including the boat ramp, fishing pier, boardwalk, kayak lift, and the living shoreline.

The State of Florida, through the Board of Trustee of the Internal Improvement Trust Fund, agreed to grant the City a submerged lands lease allowing for the construction and to waive lease fees, provided that the improvements are for the benefit of the public park and use by the public

Resolution No. 137-25 approves the Sovereignty Submerged Land Lease with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for the area adjacent to Currie Park.

Commission District 1: Commissioner Cathleen Ward.

Fiscal Note:

No fiscal impact.

7. RESOLUTIONS- ALL ITEMS WERE APPROVED.

- 7.1. Resolution No. 206-25 amending and restating the investment policy to comply with statutory requirements and establish the City's authorized investment practices.

Originating Department:

Finance

Ordinance/Resolution:

RESOLUTION NO. 206-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING AND RESTATING THE INVESTMENT POLICY TO COMPLY WITH STATUTORY REQUIREMENTS AND ESTABLISH THE CITY'S AUTHORIZED INVESTMENT PRACTICES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 206-25.

Background Information:

Florida Statutes Section 218.415 provides that investment of funds by a local government must be consistent with a written investment plan adopted by the governing body. Such an investment plan must be structured to place the highest priority on the safety of the principal and the liquidity of funds. Section 2-484 of the Code of Ordinances establishes the permitted investments, in compliance with state law.

At its June 5, 2024, meeting, the Investment Committee reviewed the

City's Investment Policy and recommended certain changes to ensure continued compliance with statutory requirements and to reflect current operations, chiefly among which are noted below:

- Added new sub-section "Investment Decisions" to reflect the change to Florida Statutes 218.415(24)(a) as it relates to investment decisions being based on pecuniary factors of risk and returns and not on factors in furtherance of social or ideological interests;
- More conservative limits on portfolio allocation along with guidance on monitoring of downgraded securities and re-balancing portfolio; and
- Composition and education requirements of the Investment Committee.

The City's Investment Policy was last amended on January 14, 2019.

By amending and restating the City's Investment Policy, we are ensuring that our policy and investments are in compliance with Florida statutes and also ensuring the safety of City funds while addressing liquidity needs and earning income in a prudent and responsible manner. The amended policy complies with the City Code.

Resolution No. 206-25 adopts the updated Investment Policy.

Fiscal Note:

No direct fiscal impact.

8. PUBLIC HEARING- ALL ITEMS WERE APPROVED.

- 8.1. Public Hearing and Second Reading of Ordinance No. 5130-25 amending the City of West Palm Beach Code of Ordinances, at Chapter 86, Traffic and Parking, creating Article VII, Mobility Fee, Sections 86-500 through 516, establishing a mobility fee benefit district, and providing for the establishment of a mobility fee fund account.

Originating Department:

Engineering

Ordinance/Resolution:

ORDINANCE NO. 5130-25: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ASSERTING THE NEED FOR ADOPTION OF MOBILITY FEES; ACKNOWLEDGING REPEAL OF TRANSPORTATION CONCURRENCY; ADOPTING THE CITY OF WEST PALM BEACH DOWNTOWN MOBILITY FEE TECHNICAL REPORT; AMENDING THE

CITY OF WEST PALM BEACH CODE OF ORDINANCES, AT CHAPTER 86, TRAFFIC AND PARKING, TO CREATE ARTICLE VII, MOBILITY FEE, SECTIONS 86-500 THROUGH 86-517; ESTABLISHING INTENT AND PURPOSE; PROVIDING FOR DEFINITIONS, IMPOSITION AND EXEMPTION OF MOBILITY FEES; ESTABLISHING A MOBILITY FEE SCHEDULE; PROVIDING FOR MOBILITY FEE DETERMINATION, AGREEMENTS, AND CREDITS; ESTABLISHING A DOWNTOWN MOBILITY FEE BENEFIT DISTRICT AND MOBILITY FEE ACCOUNT; PROVIDING FOR EXPENDITURES, REFUNDS, LAND DEVELOPMENT REGULATION IMPACT, ADMINISTRATION, REPORTS, UPDATES, APPEALS, VESTED RIGHTS, PENALTIES, CODIFICATION, CONFLICTS, SEVERABILITY AND FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Second Reading Ordinance No. 5130-25 with no changes from First Reading.

Background Information:

No changes were recommended from First Reading. In 2024, the Legislature, through HB 479, formally defined mobility fees and mobility plans and stated that any local government can adopt an alternative transportation system (aka alternative mobility funding systems), such as a mobility fee based on a mobility plan. HB 479 also stipulates that only one (1) transportation mitigation fee may be collected within a municipality and that the local government issuing building permits is the entity responsible for collection of the transportation mitigation fee.

The City of West Palm Beach Downtown Mobility Fee Technical Report, dated April 2025, documents projected development and the “need” for mobility projects to accommodate future travel demand. The Technical Report documents the data and methodology used to develop a Downtown Mobility Fee to mitigate the impact of new development. The Downtown Mobility Fee meets legally established dual rational nexus requirements for “need” and “benefit” and is in rough proportionality to the impact of new development. The Downtown Mobility Fee has been developed consistent with the requirements of Florida Statute Sections 164.3164, 163.3180, 163.31801, and Florida Statute Chapter 380.

The City of West Palm Beach is developing a Mobility Fee for Downtown based on mobility projects from its 2018 Downtown Mobility Plan and updates to the 2025 Downtown Mobility Plan. The Downtown Mobility Fee is intended to fund an alternative transportation system consistent with Florida Statute Section 163.3180. The Downtown Mobility Fee will replace the Palm Beach County transportation concurrency system and will be the only transportation mitigation fee to be assessed on all new development within the Downtown Mobility Fee Assessment Area.

The Downtown Mobility Fee is based on the mobility projects identified to

meet projected growth in travel from new development within Downtown West Palm Beach. Mobility projects consist of “intersection improvements, new and upgraded complete streets, corridor studies, a PD&E study, trail and transit improvements.

Mobility Fees are not: (1) a reoccurring tax; (2) assessed to existing residential or non-residential property; or (3) deposited into general revenue funds of the City. Mobility Fees are: (1) a streamlined one-time assessment on new development; (2) intended to offset the impact of new development; and (3) deposited into special revenue funds for Mobility Fees to be expended within a defined benefit district. Mobility Fees are legally and statutorily required to be spent on Mobility Projects that provide a mobility benefit to the new development that paid the Mobility Fee.

Fiscal Note:

Mobility fees will be utilized towards mobility related improvements.

- 8.2. Public Hearing and Second Reading of Ordinance No. 5133-25 amending Chapter 74 - Solid Waste of the Code of Ordinances of the City of West Palm Beach, amending and replacing Article V - Commercial Collection Franchise, converting to a franchise fee based on revenue rather than volume, and amending and restating the regulations for franchises for the collection of solid waste within the City.

Originating Department:

Public Works & Support Services

Ordinance/Resolution:

ORDINANCE NO. 5133-25: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING CHAPTER 74 – SOLID WASTE OF THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING AND REPLACING ARTICLE V – COMMERCIAL COLLECTION FRANCHISE; 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. 5133-25.

Background Information:

Ordinance No. 5133-25 approves revisions to Chapter 74, Article V of City Ordinance to amend regulations for franchises for the collection of commercial solid waste within the City. The proposed amendment will update the current fee formula to charge franchise fees based on revenues billed by the commercial hauler, rather than the current method, which is based on a \$1 per cubic yard hauled formula.

The ordinance regulating commercial waste collections and franchise fees charged to private waste collection providers that provide services to the public for waste collections over ten (10) cubic yards has not been updated since 2006.

Currently, franchise fees for commercial waste collections over ten (10) cubic yards provided to the public by private companies are based on a formula consisting of an annual fee of \$12,500 plus \$1 per cubic yard hauled by each franchisee. The current billing structure is outdated and makes auditing the revenue collected labor-intensive, resulting in higher administrative costs.

In order to ensure regulations related to private commercial waste collectors and our fee formula are up to date, the City contracted independent consultant, Raftelis Financial Consultants, Inc. (Raftelis) to conduct a study and provide an independent recommendation of any ordinance revisions/updates that may be advisable.

As part of their study, Raftelis evaluated eleven (11) other Florida municipalities of similar size. The study found that our City was the only municipality billing franchisees by weight hauled and only one of two municipalities that imposed an annual fee. All other municipalities surveyed billed franchisees by percent of gross revenue collected within the respective City. Based on this data, the independent study recommended that the City update its fee methodology to move to a revenue collected versus volume collected fee, which is being proposed with this ordinance revision. Updating to this new fee formula will reduce the City's administrative burden in relation to tracking and auditing franchisees' waste collection volume and will allow for easier auditing of revenue due from franchisees.

The 10% revenue rate proposed for approval is on the low end of the range of surveyed municipalities, which charged rates ranging from 10% to 20%. Currently, there are seven (7) commercial haulers that have franchises to provide waste collection services over ten (10) cubic yards to City customers.

In addition to updating the fee formula, other non-financial revisions are being proposed to update the ordinance language to conform it to current operations and best practices. Some key, not all-inclusive revisions include:

- Revisions to more clearly outline the application process and requirements.

- Addition of an annual reporting requirement that requires certification by a public accountant of information submitted to the City.
- Bond requirements updated from \$12,500 to \$50,000.

Fiscal Note:

Estimated additional revenue of \$200,000 annually.

- 8.3. Public Hearing and First Reading of Ordinance No. 5132-25: A privately-initiated text amendment to Chapter 94 - Zoning and Land Development Regulations - Article IV and Article XIX – to provide additional standards for hospital use within the Downtown Master Plan (DMP) and to further clarify the existing definition for hospitals.

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 5132-25: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING CHAPTER 94 – ZONING AND LAND DEVELOPMENT REGULATIONS - ARTICLE IV. – DOWNTOWN MASTER PLAN URBAN REGULATIONS, SECTION 94-106. - GENERAL USES WITH SPECIAL REQUIREMENTS; AND ARTICLE XIX. - DEFINITIONS SECTION 94-611. - DEFINITIONS; TO MODIFY THE LANGUAGE TO PROVIDE ADDITIONAL STANDARDS FOR HOSPITAL USES WITHIN THE DOWNTOWN MASTER PLAN AREA (DMP) AND TO UPDATE THE EXISTING DEFINITION; DECLARING THESE PROPOSED ZONING TEXT AMENDMENTS TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN AND THE ZONING AND LAND DEVELOPMENT REGULATIONS OF THE CITY; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5132-25 amending Chapter 94 - Zoning and Land Development Regulations - Article IV and Article XIX and schedule Second Reading on June 9, 2025.

This motion is based on the factual testimony presented, the staff report, the recommendation of the Planning Board and the finding that the amendment is consistent with the Comprehensive Plan and complies with the standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

Background Information:

On January 17, 2025, Roger Ramdeen, of Shutts & Bowen, LLP

submitted a formal application for a Downtown Master Plan (DMP) Zoning and Land Development Regulation text change. The requested text change was in response to a Zoning Confirmation Letter issued by the City, which had categorized a hospital as a medical office use.

Understanding that a hospital use is more nuanced and regulated than the basic definition and category of medical office within the ZLDRs, the subject text amendment is to clarify further what constitutes a hospital use, and provide a set of basic parameters to regulate the location and operation of such use. This code revision will allow for additional flexibility for potential development proposals to introduce a hospital campus within the boundaries of the DMP area and to give assurances to prospective institutions, Developers, and financiers that the DMP permits such uses.

The subject text amendment generally applies to planning areas within Commission District 3: Commissioner Christy Fox.

- 8.4. Public Hearing and First Reading of Ordinance No. 5134-25: A privately-initiated text amendment to Chapter 94 - Zoning and Land Development Regulations, Article IV - Downtown Master Plan Urban Regulations, Section 94-124 – North Railroad Avenue district (NORA) to eliminate the height in stories requirement for residential developments utilizing the Downtown Master Plan (DMP) Housing Incentive Program.

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 5134-25: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING CHAPTER 94 - ZONING AND LAND DEVELOPMENT REGULATIONS, ARTICLE IV. - DOWNTOWN MASTER PLAN URBAN REGULATIONS, SECTION 94-124. – NORTH RAILROAD AVENUE DISTRICT (NORA); TO MODIFY THE LANGUAGE TO ELIMINATE THE HEIGHT IN STORIES REQUIREMENT FOR RESIDENTIAL DEVELOPMENTS UTILIZING THE DMP HOUSING INCENTIVE PROGRAM; DECLARING THESE PROPOSED ZONING TEXT AMENDMENTS TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN AND THE ZONING AND LAND DEVELOPMENT REGULATIONS OF THE CITY; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5134-25 amending Chapter 94 - Zoning and Land Development Regulations - Article IV and schedule Second Reading on June 9, 2025.

This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Downtown Action Committee, Planning Board, and the findings that the request complies with the Comprehensive Plan and with the standards in Section 94-32 of the City's Zoning and Land Development Regulations.

Background Information:

On March 25, 2025, Meredith S. Leigh of Shutts and Bowen, LLP, on behalf of Joseph Furst of Place Projects, submitted a formal application for a Downtown Master Plan (DMP) Zoning and Land Development Regulation text change. The requested text change was in response to a recent development proposal and Formal Level II Site Plan application for a multifamily mixed-use development within the NORA 2-8 incentive district. The application calls for an 11-story building at 125 feet of total height, containing approximately 354 units, a portion of which are affordable/workforce.

The subject code change allows for additional residential stories within the incentive district, while maintaining the overall district height in feet. This enables additional flexibility to the developments to reach both their FAR and height caps while providing additional housing units within the overall structure envelope when utilizing the DMP Incentive Housing Program.

On April 9, 2025, the Downtown Action Committee heard the case and approved with a final vote of 6-0 in favor. The Planning Board recommended approval (7-0) of this request to the City Commission after a Public Hearing on April 15, 2025.

The subject text amendment generally applies to planning areas within Commission District 3: Commissioner Christy Fox.

9. PUBLIC HEARING - QUASI-JUDICIAL - ALL ITEMS WERE APPROVED.

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

- 9.1. Public Hearing and Second Reading of Ordinance No. 5128-25 regarding a Rezoning to change the Zoning designation of approximately 1.42 acres located at 3705 South Flagler Drive from Multifamily High Density Residential (MF32) to Residential Planned Development (RPD); and

Public Hearing of Resolution No. 96-25 regarding the development regulations and conditions for the Flagler House Residential Planned Development, and granting waivers of the Zoning and Land Development Regulations.

The above-referenced requests are being made by Lentzy Jean-Louis of Urban Design Studio, on behalf of PK Flagler House, LLC, to create the Flagler House Residential Planned Development.

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 5128-25: 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 (1) PARCEL LOCATED AT 3705 SOUTH FLAGLER DRIVE, APPROXIMATELY 1.42 ACRES, FROM MULTIFAMILY HIGH DENSITY RESIDENTIAL (MF32) TO RESIDENTIAL PLANNED DEVELOPMENT (RPD) TO CREATE THE FLAGLER HOUSE RESIDENTIAL PLANNED DEVELOPMENT ZONING DESIGNATION; 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. 96-25: 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 FLAGLER HOUSE RESIDENTIAL PLANNED DEVELOPMENT LOCATED AT 3705 SOUTH 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. 5128-25 at Second Reading to change the Zoning designation of approximately 1.42 acres located at 3705 South Flagler Drive from Multifamily High Density Residential (MF32) to Residential Planned Development (RPD). This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board, and the findings that the request complies with the Comprehensive Plan and the standards in Sections 94-32, 94-35(c), 94-207 of the City's Zoning and Land Development Regulations.

Approve Resolution No. 96-25 to establishing development regulations and conditions for the Residential Planned Development (RPD), and granting waivers from the Zoning and Land Development Regulations.

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 3705 South Flagler Drive and consisting of approximately 1.42 acres. Specifically, the subject property is located on the east side of South Flagler Drive and the west side of Washington Road, between Lytton Court (to the north) and Lakeland Drive (to the south), and the Intracoastal Waterway to the east of South Flagler Drive. The subject property, which has frontages along South Flagler Drive and Washington Road, provides motor vehicular access to the property on both ends. The western portion of the site is bordered by Washington Road, which is a City-owned right-of-way and is adjacent to the Central Park historic multifamily residential neighborhood. The subject property, known as the Flagler House Condominium, is developed with a 3-story multifamily residential development with 39 units.

The request includes rezoning the subject property from MF32 to RPD with waivers from the City of West Palm Beach Zoning and Land Development Regulations (ZLDRs), to allow for the construction of a 39-unit condominium with 996 square feet of commercial space. Specifically, the applicant is proposing an 18-story multifamily residential tower (193 feet - 10 inches in height), a two-level parking garage podium (17.8 feet in height), and the residential lobby with an amenitized pool deck atop the podium.

To accommodate the proposed development, the applicant is requesting the following waivers (all of which are described and analyzed in the staff report):

	<u>ZLDRs Sections</u>	<u>Minimum Required</u>	<u>Provided</u>	<u>Waiver Requested</u>
1	Sec. 94-207 (c)(2) Minimum Area Required for RPD	Ten (10) Acres	1.428 Acres	8.57 Acre Reduction
	Sec. 94-241 (Table VIII-1) Minimum Area Required for RPD	Two (2) Acres	1.428 Acres	0.57 Acre Reduction
2	Sec. 94-77(a)(3) Maximum Building Height/Setback (Sides)	96.9 Feet Setback	15 Feet (North & South Setbacks)	81.9 Feet 85% Reduction
	Sec. 94-207(c)(4) (PD) Required Setbacks	20 Feet	15 Feet (North & South Setbacks)	5 Feet 25% Reduction
	Sec. 94-312(1)(a) Number of Access Points	One (1) Access Point Onto Each Adjacent Public Right-of-Way	4 Access Points	2 Access Points Increase
4	Sec. 94-312(2)(a) Separation of Access Points	125 Feet	77.4 Feet (Internal to Site)	47.6 Feet 38% Decrease
			38.8 Feet (From Property to south)	86.2 Feet 68% Decrease
			Along South Flagler 86.2 feet (Internal to site)	38.8 Feet 31% Decrease
				69 Feet

			56 feet (From Property to the North)	55% Decrease 18.5 Feet 14% Decrease
			106.5 feet (From Property to the South)	
			Along Washington Road	
5	Section 94-443(d)(1)(a) Additional Requirements for Residential Uses	Landscaping Multifamily	34.6 feet Buffer Interruption Length	5.5 Feet 3% Increase
6	Section 94-305(b)(9) Outside Stairways		25 feet Minimum Setback	4.5 Feet 18% Decrease 1.88 Feet 47% Increase
			5.88 Washington Front Setback	
7	Section 94-302(b)(1) Maximum Fence/Wall Height		4 Feet Maximum	
			10.88 South Flagler Front Setback	6.88 Feet 172% Increase

This includes the applicant's request for an 8.57-acre waiver from the minimum area requirement for an 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 specified waiver requests 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, therefore, complies with the City's Comprehensive Plan, and 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. 96-25.

PLANNING BOARD

After a Public Hearing on March 18, 2025, the Planning Board recommended approval (7-0).

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 5: Commissioner Christina Lambert.

- 9.2. Public Hearing of Resolution No. 115-25 regarding a request by Roger Ramdeen of Shutts & Bowen, on behalf of CityPlace Retail, L.L.C., for the approval of a Major Planned Development Amendment to the CityPlace Commercial Planned Development: 1) to amend the Rosemary Square Core Development Regulations to expand the boundary of the Rosemary Square Core to include the “B” Block Hibiscus Garage; 2) to create the Hibiscus Garage subarea covering the expanded area; and 3) to reestablish CityPlace to replace the Rosemary Square nomenclature.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 115-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR PLANNED DEVELOPMENT AMENDMENT TO THE CITYPLACE COMMERCIAL PLANNED DEVELOPMENT: 1) TO AMEND THE ROSEMARY SQUARE CORE DEVELOPMENT REGULATIONS TO EXPAND THE BOUNDARY OF THE ROSEMARY SQUARE CORE TO INCLUDE THE “B” BLOCK HIBISCUS GARAGE; 2) TO CREATE THE HIBISCUS GARAGE SUBAREA COVERING THE EXPANDED AREA; AND 3) TO REESTABLISH CITYPLACE TO REPLACE THE ROSEMARY SQUARE NOMENCLATURE; DECLARING THIS RESOLUTION CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 115-25.

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 with the standards in Section 94-32 of the City’s Zoning and Land Development Regulations.

Background Information:

The Rosemary Square Core Development Regulations, which includes the Rosemary Square Core Regulating Plan, govern the permitted uses and the development regulations for Rosemary Square. The Rosemary Square Core must adhere to the overall development capacity established in the CityPlace DRI. The Rosemary Square Core Regulating Plan is currently divided into six (6) subareas.

The approved development for the Rosemary Square East subarea (550 South Rosemary Avenue) includes two (2) office towers that include retail at their bases as well as a multilevel parking garage along the F.E.C. Railroad. As the applicant proceeded through to the building permit submittal, they realized that a key component of their parking plan, specifically using parking lifts within the garage to meet the majority of their parking needs, was not feasible. In order to meet their parking requirements, not only does the garage within the East subarea need additional parking levels, but also the existing B Garage at 530 Hibiscus Street needs additional parking levels. On September 3, 2024, the City Commission adopted Resolution No. 164-24

which amended the Rosemary Square East subarea to permit the parking garage to increase to seven (7) stories in height or 80 feet, whichever is less. Since the increase does not provide sufficient parking spaces to accommodate both new office towers, CityPlace Retail, L.L.C. (CityPlace Retail), has requested this companion amendment to allow an increase to the existing parking garage at 530 Hibiscus Street.

The Major Planned Development Amendment subject to this request includes expanding the boundary of the Rosemary Square Core to include the “B” Block Hibiscus Garage (Hibiscus Garage); creating the Hibiscus Garage subarea covering the expanded area; and reestablishing CityPlace to replace the Rosemary Square nomenclature. The establishment of the Hibiscus Garage subarea establishes the framework for a taller garage with the specific enlargement of the garage reviewed as part of a separate application.

“B” Block Hibiscus Garage

The original Regulating Plan was crafted when CityPlace Retail leased what was then known as CityPlace from the City’s Community Redevelopment Agency (CRA). At the time, it was not anticipated that the garages would be developed as anything other than garages, so none of the four (4) CityPlace garages were included within the Regulating Plan. Since the adoption of the original Regulating Plan, CityPlace Retail has purchased the land that they previously leased from the CRA, including the Hibiscus Garage (**Figure 1**). The Hibiscus Garage is the main parking garage for the retail businesses within the CityPlace CPD and is accessed by vehicles from the south via Okeechobee Boulevard and the north via Hibiscus Street. The main pedestrian access is on the west side of the garage that allows access to the plaza and main retail within the CityPlace CPD.

Figure 1
“B” Block Hibiscus Garage



As previously stated, as part of the redevelopment of the Rosemary Square East subarea, additional parking is required within the CityPlace CPD. In order to provide the additional parking in close proximity to the subarea, CityPlace Retail is requesting to establish development regulations for the Hibiscus Garage, which will increase the number of parking levels for the garage from six (6) parking levels (five [5] stories plus rooftop parking) to eight (8) parking levels (seven [7] stories plus rooftop parking). The additional two levels of parking will meet the needs of the new office towers. The Hibiscus Street Elevator will be installed on the north side of the garage that provides express access to the new parking levels from Hibiscus Street. Proposed Resolution No. 115-25 updates the Rosemary Square Core Development Regulations to show the new subarea boundaries, to describe the subarea and to provide the subarea development regulations, to include the building height and setbacks.

The taller garage allowed by the Hibiscus Garage subarea will be consistent with not only the garage height allowed on the Rosemary Square East subarea, but also the 80-foot podium height permitted within the Quadrille Business District, which was the basis for the Rosemary Square subareas. The Planning Board report includes diagrams showing how the taller garage will relate to the surrounding development, both existing and proposed. The Hibiscus Garage subarea requires that the exterior facade of the new parking levels maintain a similar architectural style as the existing garage.

Nomenclature Change – Back to CityPlace

As part of an amendment in 2019, CityPlace Retail rebranded “CityPlace” as “Rosemary Square”. The rebrand included the areas that are under control of CityPlace Retail and regulated by the Rosemary Square Core Development Regulations. CityPlace Retail has determined that they would like to return the official name to CityPlace. While changing the development regulations is not necessary for CityPlace Retail to re-brand as CityPlace, it is an appropriate time to include the rebrand with the changes to the regulations included with this amendment.

STANDARDS

The Planning Division has determined that the Major Planned Development Amendment to the Rosemary Square Core Development Regulations meets all eight (8) of the amendment standards found in Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations.

Compliance with the above referenced standards is detailed in the Planning Board Staff Report (Attachment I).

PLANNING BOARD

At their Public Hearing on April 15, 2025, the Planning Board recommended approval (7-0) of the Major Planned Development Amendment to the City Commission after determining it complies with the amendment standards found in Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations.

NOTICE

Individual notices were mailed to all property owners within 500 feet of the area covered by the Major Amendment. Signs for the Major Amendment were posted on the property on March 28, 2025.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

No fiscal impact.

10. APPEALS- APPROVED

- 10.1. Appeal of the Historic Preservation Board's decision in Case # 25-05, a request by Christina Anthony, of Turn Two Construction, LLC, for the approval of a certificate of appropriateness for the construction of a new single-family house at 816 3rd Street.

Originating Department:

Development Services

Ordinance/Resolution:

N/A

Staff Recommended Motion:

Approve the Certificate of Appropriateness to allow the construction of a modular single-family residence at 816 3rd Street. This motion is based on the factual testimony presented and the staff report, which constitute competent, substantial evidence, along with the finding that the work meets the criteria set forth in the Secretary of Interior Standards for Rehabilitation found in Section 94-49(c)(3) and the Additional Criteria for New Construction and Alterations found in Section 94-49(c)(4) of the Zoning and Land Development Regulations.

Background Information:

The subject property is a vacant 6,000-square-foot lot, which was a CRA-owned property from 2010 until its sale in 2024. The property has been vacant for years prior to CRA ownership and is within the Northwest Historic District.

HISTORIC PRESERVATION BOARD

On March 25, 2025, the Certificate of Appropriateness application to construct a one-story, 1400 square-foot modular structure to serve as a single-family residence at 816 3rd Street came to be heard at the Historic Preservation Board meeting.

The proposal is to build the modular single-family residence with vehicular access provided in the rear of the property, along the alley. The floor plan indicates that the residence has three (3) bedrooms and two (2) bathrooms, with the remaining space designated as common living areas.

At the Historic Preservation Board meeting, Planning staff presented the application and recommended approval. The Historic Preservation Board voted (7-0) for denial, on the basis that the request did not comply with standards 9 and 10 of the Secretary of Interior's Standards.

The Applicant's appeal of the Historic Preservation Board's decision was timely received on April 8, 2025. Pursuant to Section 94-50 of the Code of Ordinance, Historic Preservation Board decisions are appealed to the City Commission. The appeal hearing must be held within sixty (60) days of the appeal request. The City Commission's review is de novo, and the decision shall be based on the testimony and evidence presented to the Commission at this hearing. A decision of the City Commission may be appealed to a court of competent jurisdiction within thirty (30) days.

STANDARDS

Staff found that the requested petition meets the required Secretary of Interior's Standards for Rehabilitation in Section 94-49(c)(3) and the additional criteria in Section 94-49 (c)(4) of the City of West Palm Beach Zoning and Land Development Regulations (ZLDRs) listed in the Staff Report.

Commission District 3: Commissioner Christy Fox.

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- 7:47 P.M.

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

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