



**City of West Palm Beach
City Commission**

**DRAFT
AGENDA**

**August 14, 2017
5:00 P.M.**

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

**MAYOR
GERALDINE MUOIO**

**CITY COMMISSION
PRESIDENT CORY NEERING**

**COMMISSIONER SYLVIA MOFFETT
COMMISSIONER KEITH JAMES**

**COMMISSIONER PAULA RYAN
COMMISSIONER SHANON MATERIO**

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

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

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

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

PRESENTATION AND AWARDS OF MERIT (1):

1. **Proclaiming August 2017 as: Lesser, Lesser, Landy & Smith 90th Anniversary Celebration Month. Proclamation to be accepted by Gary Lesser and the Firm's attorneys.**
[Agenda Cover Memorandum No.: 21505](#)

ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA:

RECEIVED / FILED:

CONSENT CALENDAR (2 – 6):

2. **Resolution No. 256-17 approving submittal of an application to the Florida Department of State, Division of Library and Information Services for the State Aid to Libraries Grant to assist the Mandel Public Library of West Palm Beach in maintaining and developing vital services during FY 2017-18.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE FLORIDA DEPARTMENT OF STATE FOR A STATE AID TO LIBRARIES GRANT FOR OPERATION AND MAINTENANCE OF THE MANDEL PUBLIC LIBRARY; AUTHORIZING EXECUTION OF A GRANT AGREEMENT AND OTHER DOCUMENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21511](#)

Staff Recommended Motion:

Approve Resolution No. 256-17.

Background:

Florida's State Aid to Libraries Program is administered by the Florida Department of State, Division of Library and Information Services. In 2003, the Legislature revised the law to allow independent municipal libraries to participate in the State Aid to Libraries Program.

This was done in recognition that the provision of state aid to independent municipal libraries is a valuable contribution to the extension of the state's public library development plan. The State provides a match of up to 25 cents on each dollar of local funds expended centrally for the operation and maintenance of the library. The Mandel Public Library of West Palm Beach has received State Aid funding since 2003.

The Mandel Public Library meets the following requirements to receive the State Aid to Libraries Grant: 1) provides free library services, 2) maintains an established interlocal agreement to jointly support each participating library, 3) retains a single administrative head employed full-time to manage or coordinate the operations of the library, 4) expends funds centrally, 5) maintains a reciprocal borrowing agreement, 6) provides access to materials, information and services for all residents of the area served, 7) library is open 40 hours or more each week, and 8) has established a long-range plan, annual plan of service and annual budget. Funding from the state will supplement the Mandel Public Library's operating costs for goods and services as defined by the Uniform Accounting System Manual for Local Governments, 2008 edition, prepared by the Florida Department of Financial Services, Bureau of Local Government.

The State will determine the amount of grant to be awarded to the City however, it is estimated to be up to \$114,000.

Fiscal Note:

Approximately up to \$114,000 in funding provided by the State.

3. **Resolution No. 247-17 accepting \$159,873 in grant funding from the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), Assistance to Firefighters Grant (AFG) to be used for fire department staff training, and Resolution No. 248-17(F) providing for the receipt and appropriation of \$159,873 in DHS FEMA AFG grant funding, and providing for the appropriation of \$15,987 in matching City funds.**

RESOLUTION NO. 247-17: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A GRANT AWARD OF ONE HUNDRED FIFTY-NINE THOUSAND EIGHT HUNDRED SEVENTY THREE DOLLARS (\$159,873.00) FROM THE U.S.DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY, ASSISTANCE TO FIREFIGHTER GRANT ON BEHALF OF THE WEST PALM BEACH FIRE DEPARTMENT FOR TRAINING; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 248-17(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 2016/2017 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 AND THE

GENERAL FUND BUDGETS TO PROVIDE APPROPRIATIONS FOR RECEIPT OF AN ASSISTANCE TO FIREFIGHTERS GRANT (AFG) AND MATCHING CITY FUNDS FOR THE PURPOSE OF PROVIDING FUNDS FOR TRAINING AND PERSONNEL SERVICES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21506](#)

Staff Recommended Motion:

Approve Resolution No. 247-17 and Resolution No. 248-17(F).

Background:

By Resolution No. 60-17, the City Commission approved submittal of this grant application to FEMA for training funds. The City of West Palm Beach Fire Rescue Department applied for the 2016 AFG in November 2016 and has just been awarded \$159,873.00 in grant funding. As a condition of this award, the City is required to contribute a cost match in the amount of \$15,987.00 of non-Federal funds, or 10 percent of the Federal contribution of \$159,873.00. The total value of this project is \$175,860. The grant is intended to support and enhance the safety of the responding firefighters in addition to the community they serve. One of the City's priorities is to "Promote a safe and secure community". It is Fire Rescue's desire to meet and exceed this priority. This grant will provide specific personnel development training and Fire Officer courses to improve service delivery to citizens.

Pursuant to the Resolution and the Grants Policy, upon award of the grant, approval of the grant agreement, along with the financial resolution to accept the grant funds is brought back to the City Commission.

Resolution No. 247-17 accepts the grant award. A copy of the Grant Award is attached.

Resolution No. 248-17(F) provides for the receipt and appropriation of the grant funds and matching funds.

Fiscal Note:

Approval will provide \$159,873 from a DHS FEMA AFG grant. The City match of \$15,987 is available in the General Fund due to reduced spending for training in FY17.

- 4. Resolution No. 251-17(F) approving the appropriation of funds in the amount of \$52,900.00 for the purchase of four (4) Segways.**

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 2016/2017 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE PARKING SYSTEMS OPERATING FUND BUDGET TO PROVIDE

APPROPRIATIONS FOR THE PURCHASE OF FOUR SEGWAYS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21508](#)

Staff Recommended Motion:

Approve Resolution No. 251-17(F).

Background:

This Segway Patroller is an invaluable tool for Parking Ambassadors. It gives the Ambassador a height advantage of almost a foot which allows for better observation which increases maneuverability, visibility and interaction. The Segway PT boasts zero emissions and operates for less than a penny per mile. Ambassadors can easily connect with the Public, so as to educate citizens on parking matters. The Segway PT is a great public relations tool as it draws citizens to the Ambassadors, whereby a conversation begins and information is exchanged.

The Parking Systems Department has cancelled the deck coating project. These funds are available for transfer to the automotive equipment account to allow the purchase of the Segways.

Fiscal Note:

Approval will provide funds for the purchase of four (4) Segways. No fiscal impact.

5. **Resolution No. 253-17 authorizing submittal of a grant application to Lake Worth Lagoon Initiative (LWLI) for a Lake Worth Lagoon Initiative Grant, requesting up to \$500,000 for the Washington Road Utility & Stormwater Outfalls Improvements (Addressing Issues Related to Flooding and Water Quality Discharge to the Lake Worth Lagoon).**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE LAKE WORTH LAGOON INITIATIVE FOR A GRANT TO FUND A PORTION OF THE WASHINGTON ROAD UTILITY AND STORMWATER OUTFALL IMPROVEMENTS PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21509](#)

Staff Recommended Motion:

Approve Resolution No. 253-17.

Background:

The Lake Worth Lagoon Initiative (LWLI) is an advocacy interagency organization that protects Lake Worth Lagoon (LWL) coastal habitats. The Organization brings together many agencies, and individuals with the goal to coordinate efforts to restore and enhance the Lake Worth Lagoon. The Lake Worth Lagoon estuary, stretching for 20 miles along the shores of 13 municipalities from North Palm Beach to Boynton Beach, provides habitat

for many endangered and threatened species. The Lagoon's living shorelines provide important habitat for marine organisms, feeding areas for birds and shelter for a variety of wildlife. Mangrove habitat serves as a nursery for juvenile fish and traps sediments in its roots, providing a natural defense for coastal erosion.

Since 1998, the Florida Legislature has appropriated more than \$20 million towards Lake Worth Lagoon restoration. Legislative funds have been combined with State and local governments matching funds to support over \$80 million in restoration and water quality improvements to the LWL. With these extra funds, the Lake Worth Lagoon Initiative is able to expand its restoration of seagrasses, mangroves and oyster reef habitats along with the construction of stormwater control projects such as the one proposed by the City of West Palm Beach. Coastline monitoring is currently performed to assess the Lagoon's environmental health, including its water quality, and track the restoration and natural construction projects along the shoreline.

Palm Beach County, the lead LWLI sponsor, is currently soliciting project proposals to provide collaborative support for a stronger Lake Worth Lagoon Initiative (LWLI) legislative request, and to assist local municipalities' and special taxing districts' effort to improve water quality in the Lagoon through projects such as habitat enhancement and restoration, storm water retrofits, or septic-to-sewer conversions.

Pursuant to the City of West Palm Beach 2016 Stormwater Master Plan, the stormwater component of the proposed improvements on Washington and Marlborough Roads were identified to address roadway flooding and stormwater treatment to meet the water quality goals of the Lake Worth Lagoon Management Plan through the establishment of two projects, Washington Road Outfall Rehabilitation project in the amount of \$900,000 and the Marlborough Road Storm Water Improvements project in the amount of \$355,000. The Washington Road Utility & Stormwater Outfalls Improvements Project - Phase 1 ("Project") addresses issues related to roadway flooding and improves water quality of stormwater discharge to the Lake Worth Lagoon. Both Projects are funded from Fund 48A, the Utility Revenue Bond Program, Series 2017A.

The City is requesting up to \$500,000 in the form of a grant from the Lake Worth Lagoon Initiative Grant Program to enhance the stormwater/water quality treatment improvements portion of the Projects. The Lake Worth Lagoon Program requires a commitment of the local municipalities of at least a 50/50 cost match in funds and disbursements on a reimbursement basis. Funding for the stormwater components are \$1,255,000 for the conveyance and treatment of stormwater runoff which will meet or exceed the grant matching requirement in the amount of \$500,000. The grant will afford the City an opportunity to further enhance the level of water quality treatment prior to discharge to the Lagoon.

Resolution No. 253-17 approves submittal of a grant application to the Lake Worth Lagoon Initiative for a grant in the amount of \$500,000 to be used for the Washington Road Utility & Stormwater Outfall Project.

Fiscal Note:

Funding for the \$500,000 reimbursement will be made available from the Storm Water Utility General Reserve Fund 484, which has an approximate balance of \$7.5M as of July 31, 2017. Should the grant be awarded the City, a F-Resolution will be presented to the Commission authorizing the transfer of \$500,000 from the Stormwater General Reserve Fund 484 to the Stormwater Utility Renewal and Replacement and Improvement Fund 485 expressly for the Washington Road Outfall Rehabilitation project no. 32060437.

6. Resolution No. 244-17 approving the Re-plat entitled "Dr. Alice Moore Apartments" for the property at the Northeast corner of Poinsettia Ave and 27th Street.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SUBDIVISION OF REAL PROPERTY TO CREATE THE PLAT ENTITLED DR. ALICE MOORE APARTMENTS, CONSISTING 0.71 ACRES, GENERALLY LOCATED AT THE NORTHEAST CORNER OF POINSETTIA AVENUE AND 27TH STREET; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21507](#)

Staff Recommended Motion:

Approve Resolution No. 244-17.

Background:

The subject property is comprised of 0.71 acres and is located at the northeast corner of Poinsettia Avenue and 27th Street. The property, which is currently a part of the Plat of Blackstone Addition (Plat Book 18, Page 96, in the public records of Palm Beach County), consists of five separate residential lots (Lots 7, 8, 9, 10 and 11) and the north 92.67 feet of park area (located at the corner of Poinsettia Avenue and 27th Street), currently has an existing multi-family residential building with seventeen (17) residential units. The survey of the property is provided in EXHIBIT A, and the Plat of Blackstone Addition is provided in EXHIBIT B.

The applicant, David J. Coviello of Shutts & Bowen, L.P., on behalf of The Jerome Golden Center for Behavioral Health, Inc., is requesting the consolidation of the existing five (5) lots and the park area into one unified development tract to facilitate redevelopment of the property with a new multi-family (affordable) housing project, consisting of thirty-six (36) apartments and related amenities. The applicant is also requesting the removal of the residential building line created by the Plat of Blackstone Addition. The replat will also dedicate 0.05 acres (2,199 square feet) along 27th Street to the City of West Palm Beach for the perpetual use of the public for public sidewalk purposes. The proposed replat, entitled "Dr. Alice Moore Apartments," is provided in EXHIBIT C.

PLANNING BOARD: As a Minor Subdivision, the subject replat was not required to be reviewed by the City's Planning Board.

PUBLIC NOTICE: Resolution No. 244-17 was advertised in the Palm Beach Post on August 4, 2017.

COMMISSION DISTRICT: The subject property is located within Commission District No. 1 – Commissioner Sylvia Moffett.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

RESOLUTIONS (7):

- 7. Resolution No. 246-17 approving the "Face of the City" design features for improvements to Lake Avenue to create a bicycle lane from Southern Boulevard to Belvedere Road.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE DESIGN FEATURES PRESENTED TO THE CITY COMMISSION FOR THE PROPOSED ABOVE GROUND IMPROVEMENTS TO LAKE AVENUE TO CREATE BICYCLE LANES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21510](#)

Staff Recommended Motion:

Approve Resolution No. 246-17.

Background:

The project consists of expansion of the City's bicycle network along Lake Avenue in West Palm Beach, Florida, from Southern Boulevard to Belvedere Road, an approximate total length of 1 mile. The proposed scope of work will include construction of protected bicycle lanes from Southern Boulevard to Belvedere Road.

Lake Avenue is a two-lane roadway with on street parking. There are currently no designated bicycle facilities on Lake Avenue. The surrounding land uses are primarily residential and include school zones for Conniston Middle School and Belvedere Elementary School. Pavement markings do not exist or are no longer adequately visible.

The project will focus on creating safe lanes of travel for both motorized and non-motorized roadway users such as students attending Conniston Middle School and Belvedere Elementary School. Protected bicycle lanes will be added in both directions along Lake Avenue by restriping the existing road. This would protect cyclists from motor vehicles by separating the two (2) types of traffic from each other.

The proposed design consists of two (2) typical sections. Beginning at the southern terminus of the project, from Conniston Road to Hollywood Place/Monroe Drive, the east bike lane will be buffered by on street parallel parked cars and the west bike lane will be buffered by a striped area containing Zicla Zebra (Zebra) cycle lane separators. Continuing north, from Hollywood Place to Belvedere Road, the east and west bike lanes will be protected by a striped area containing Zicla cycle lane separators.

The project proposes to provide protected bike lanes utilizing two (2) innovative techniques. The first is to place parallel parked cars between the travel lane and the bike lane. The second is the use of the Zebra cycle lane separators. The Zebra is a robust prefabricated recycled plastic intermittent traffic routing element, allowing for drainage flow and the possibility for cyclists to exit the bike lane when necessary. The Zebra was first used in Spain in 2008 and has been used in 13 Countries including France, United Kingdom, Chile, New Zealand, and Thailand.

The project will reduce the amount of on street parking on Lake Avenue. The consensus during a neighborhood meeting was that there was excess pavement and parking on Lake Avenue and that bike lanes and trees would be a better use of the Lake Avenue right of way.

The restriping of the road and installation of the Zebras is a low cost high reward tactical urbanist implementation. Changes in a street such as the removal of parking can be controversial. Staff will monitor parking in the neighborhood and perform bicycle counts after project implementation. If the installation is successful, then a permanent installation with trees and concrete traffic separators could be pursued.

COMMISSION DISTRICT: This project will be located in Commission District 5 - Commissioner Shanon Materio.

Fiscal Note:

No fiscal impact.

PUBLIC HEARING – QUASI-JUDICIAL (8 – 11):

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

8. **Public Hearing and Second Reading of Ordinance No. 4717-17: Regarding a rezoning to change the zoning district of ±7.97 acres, located at 2210 North Australian Avenue, from Multifamily High Density Residential (MF-32) to Residential Planned Development (RPD); and**

Public Hearing of Resolution No. 219-17: Approving the development regulations and conditions for the 2210 North Australian Avenue Residential Planned Development (RPD), and granting waivers from the Zoning and Land Development Regulations.

All of the above-referenced items are being requested by Josh Nichols of Jon E. Schmidt and Associates, Inc., on behalf of 2210 North Australian Avenue, LLC, in order to develop an open space on the north portion of the site to construct a 81,600 square foot, 160-room senior housing building and associated site improvements.

ORDINANCE NO. 4717-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF WEST PALM BEACH TO REZONE A ±7.97 ACRE PROPERTY LOCATED AT 2210 NORTH AUSTRALIAN AVENUE FROM

MULTIFAMILY HIGH DENSITY ZONING DESIGNATION TO A RESIDENTIAL PLANNED DEVELOPMENT ZONING DESIGNATION; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICT CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 219-17: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE DEVELOPMENT REGULATIONS AND CONDITIONS FOR THE 2210 NORTH AUSTRALIAN AVENUE RESIDENTIAL PLANNED DEVELOPMENT; GRANTING WAIVERS OF THE ZONING AND LAND DEVELOPMENT REGULATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21512](#)

Staff Recommended Motion:

APPROVE Ordinance No. 4717-17 amending the zoning map to rezone the property located 2210 North Australian Avenue from Multifamily High Density Residential to Residential Planned Development. This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and the finding the amendment is consistent with the Comprehensive Plan and complies with the standards found in Section 94-32 and Section 94-207 of the City's Zoning and Land Development Regulations.

APPROVE Resolution No. 219-17: for the approval of the 2210 North Australian Avenue Planned Development, adopting the site development plans and development regulations for construction of a 160-room senior housing facility. This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and the findings that the development regulations are consistent with the Comprehensive Plan and comply with the standards found in Section 94-35 of the City's Zoning and Land Development Regulations.

Background:

The subject property consists of a single parcel totaling ±7.67 acres. The proposed development of a six-story, 81,600 square foot building to house an additional 160 beds will be on the north portion of the property which currently is open space and a parking lot. The loss of parking spaces is not an issue since the use was changed to Assisted Living Facility in 2015. The required parking for assisted living facilities is less than what is required for apartments, therefore the site has forty-five (45) more parking spaces than required. In addition, the loss of open space for the proposed development is not an issue since the site will have more than is required by code.

In 1996, the subject property was initially developed with a Multifamily-32 (MF-32) zoning district as Mangonia Lakes Apartments. This development consisted of 252 dwelling units located in two six-story towers plus a one-story recreation building, an outdoor recreation area, and associated site improvements.

In 2015, the property received approval of a Class B Special Use permit with a distance requirement waiver to allow the apartment use to be modified to an Assisted Living Facility (Group Home Type III). The Class B Special Use permit only included a change of use and no additional development was proposed. The waiver of the Class B Special Use permit was a waiver from the 1,200 feet distance requirement from another Group Home Type III which is located adjacent to the subject side.

The proposed rezoning from MF-32 to Residential Planned Development (RPD) proposes a new, third, six story building on the site with the Assisted Living Facility (Group Home Type III) use. The additional development is allowable for licensed nursing homes and/or licensed assisted living facilities by a 2.5 multiplier of units to beds (Sec. 94-273(28)c.7).

The requested waivers for this project include the following:

A. Waiver # 1- Section 94-77(a)(2)

Requirement: 30 feet setback

Proposed Waiver: 24 feet setback

Recommendation: Approval- Based on configuration of the existing site layout and increased front setback to match the character along Australian Ave.

B. Waiver # 2- Section 94-207(c)(2)

Requirement: 10 acres

Proposed Waiver: 2.03 acres

Recommendation: Approval- Based on the site utilizing existing site improvements to achieve development in the smaller area.

C. WAIVER #3- Section 94-483(b)

Requirement: One loading space

Proposed Waiver: One loading space

Recommendation: Approval-Based on the limited site area and prioritization of tree preservation.

PLANNING BOARD: The Planning Board recommended approval with conditions (5-0) of this request after a public hearing on June 20, 2017.

CITY COMMISSION: The City Commission approved Ordinance No. 4717-17 (5-0) of this request after a public hearing on July 31, 2017.

PUBLIC NOTICE: Mailers were sent out to property owners located within 500 feet from the subject site for Planning Board and for this Commission Meeting and the site has been posted with notification signage. To date, three inquiries have been made, one for information only and two commenting that the existing facilities need repair.

COMMISSION DISTRICT: The subject property is located at 2210 North Australian Avenue within Commission District No. 1 - Commissioner Sylvia Moffett.

9. **Public Hearing and First Reading of: Ordinance No. 4718-17 amending the Comprehensive Plan Downtown Master Plan Element Figure DMP-1 and Figure DMP-2; Ordinance No. 4719-17 amending the Downtown Master Plan Zoning Atlas to rezone the property located at 300 Palm Beach Lakes Boulevard from Providencia Park Professional Office to Brelsford Park District-5; and Ordinance No. 4720-17 amending Section 94-127 – Brelsford Park District; Table IV-34: Building Requirements BPD-5.**

ORDINANCE NO. 4718-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN DOWNTOWN MASTER PLAN ELEMENT, FIGURE DMP-1 -DISTRICT BOUNDARIES UNDER DMP POLICY 1.1.1 AND FIGURE DMP-2 SUBDISTRICT BOUNDARIES UNDER DMP POLICY 3.1.3 TO AMEND THE BOUNDARIES OF THE BRELSFORD PARK DISTRICT AND THE PROVIDENCIA PARK DISTRICT; DECLARING THE PROPOSED AMENDMENTS TO BE CONSISTENT WITH ALL OTHER ELEMENTS OF THE COMPREHENSIVE PLAN; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO 4719-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE DOWNTOWN “ZONING ATLAS” FIGURE 1 “PLANNING AREAS” MAP, FIGURE 2 “DISTRICTS” MAP, AND FIGURE 3 “SUBDISTRICTS” MAP, UTILIZED AS THE DOWNTOWN MASTER PLAN ZONING DESIGNATIONS TO IMPLEMENT THE CHANGES ADOPTED IN THE COMPREHENSIVE PLAN BY ORDINANCE 4718-17 REGARDING THE REZONING OF A PROPERTY LOCATED AT 300 PALM BEACH LAKES BOULEVARD FROM PROVIDENCIA PARK DISTRICT – PROFESSIONAL OFFICE TO BRELSFORD PARK DISTRICT 5; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO 4720-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES AT CHAPTER 94 - ZONING AND LAND DEVELOPMENT REGULATIONS, ARTICLE IV - DOWNTOWN MASTER PLAN URBAN REGULATIONS, SECTION 94-127 – BRELSFORD PARK DISTRICT, TABLE IV-34: BUILDING REQUIREMENTS BPD-5 ; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21513](#)

Staff Recommended Motion:

APPROVE Ordinance No. 4718-17 amending the Comprehensive Plan to amend the boundaries of the Brelsford Park District and the Providencia Park District. This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and the finding the amendment is consistent with the Comprehensive Plan.

APPROVE Ordinance No. 4719-17 amending the Zoning Atlas to rezone the property located at 300 Palm Beach Lakes Boulevard from Providencia Park Professional Office to Brelsford Park District 5. This motion is based on the factual testimony presented, the staff report, the recommendation of the Planning Board, and the finding 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.

APPROVE Ordinance No. 4720-17 amending Chapter 94 - Zoning and Land Development Regulations, Article IV - Downtown Master Plan Urban Regulations; Section 94-127 – Brelsford Park District; Table IV-34: Building Requirements BPD-5. This motion is based on the factual testimony presented, the staff report, the recommendation of the Planning Board, and the finding 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:

The subject 0.97 acre property is located at the intersection of Palm Beach Lakes Boulevard and Olive Avenue. The property has an Urban Central Business District (UCBD) future land use designation, and a Providencia Park District Professional Office (PPD-PO) zoning designation. The PPD-PO is a single family residential district which allows professional office uses to occupy 100% of the structure, but requires maintaining the residential character of the area.

The subject property currently includes two (2) five-story structures, connected by a walkway, with 76 living units in total. The structure to the east was built in 1961 as the Mae C. Rovensky Nurses' Residence, and designed by John L. Volk and Associates. The second structure, on the west side, was constructed in 1982. The buildings were previously occupied by the Good Samaritan nurses. The structures have been vacant for approximately 15 years, and continue to be an eyesore in the community. The remainder of the site includes a surface parking lot with 52 spaces and a large landscaped area along North Olive Avenue. Parking entrances and exits are located along Palm Beach Lakes Boulevard and along the alley to the south.

Over the past few years, different property owners have obtained site plan approval to renovate the existing structures. In 2007, the Downtown Action Committee (DAC) Case No. 06-23 granted approval of a Class B Special Use permit for the re-establishment of the residential use within the two Nurses Residence buildings. The approved project included 76 units, and required at least one parking space for each unit to be accommodated on site. The approval expired on July 16, 2009 and the project did not move forward. Before the expiration of the site plan approval some work was done on the exterior architectural

elements of the building, such as the windows, doors and canopy; significantly damaging its Mid-Century Modern style.

In 2012, after the expiration of the previous approval, and considering the precarious condition of the building, the City entered into negotiations with the owner at the time, to promote the redevelopment of the property. The City Commission adopted Resolution No. 71-12 to set up a schedule for the payment of the more than \$480,000 in code fines accumulated by the property, as an incentive for its redevelopment. Based on the resolution, fines would be removed provided the owner placed funds in escrow, secured a building permit, and made improvements to the building. The developer never moved forward with the project.

In 2013, a new owner acquired the property and started a new approval process from the DAC, taking advantage of the benefits offered by Resolution No. 71-12. On February 13, 2013 a new approval was granted for the renovation of the structures to include 52 residential units. At the time of this approval, the owner also requested to designate the building as a historic structure. A condition was included stating that the reconstruction of historic elements shall be completed within two years. The proposed building renovation obtained building permit but unfortunately, the reconstruction never occurred.

After several attempts by different property owners, and some incentives provided by the City the buildings still remain vacant and in terrible state of disrepair. Considering the history of the property, staff discussed with the current property owner the option to rezone the property to the adjacent Brelsford Park District-5. The proposed rezoning would allow additional flexibility for any possible redevelopment of the parcel or renovation of the existing buildings. The proposed rezoning is an attempt to provide a more appropriate set of regulations to the parcel and encourage its redevelopment.

The subject property at 300 Palm Beach Lakes Boulevard does not fit the general vision of the PPD district. The site is significantly larger than the average parcel within the PPD-PO designation, and it does not follow the single-family housing pattern. In addition, the subject property fronts Palm Beach Lakes Boulevard, a major thoroughfare for approximately 300 feet, making the site not appropriate for single family residential uses.

While the PPD-PO is restricted to a maximum density of 14 dwelling units per acre, the existing structure at 300 Palm Beach Lakes was built with 76 living units, resulting in a density of 79 units per acre. The property's size and layout does not match the Comprehensive Plan's vision for the neighborhood, therefore the applicable zoning regulations are not ideal. The existing structure exceeds most PPD-PO development

regulations because the structure was never envisioned to be part of a single family residential neighborhood.

Considering the existing structures on the subject site, the proposal is to rezone the property within the adjacent Brelsford Park District – 5 (BPD-5) which includes regulations more in line with the existing structures and densities on the site. The Brelsford Park District

provides for commercial development along major thoroughfares like Dixie Highway. In addition, the district envisions a mix of uses with varying heights and a maximum density of 40 dwelling units per acre.

The Brelsford Park District-5 is described in the Comprehensive Plan as:

“The Brelsford Park area is a primarily residential neighborhood whose building scale and character shall be preserved and reinforced by similar scale infill projects. Its potentially historically significant structures are an important part of the character of the neighborhood and should be preserved. The Dixie highway corridor, along the eastern edge of the District, is a primarily mixed-use corridor, ideal for accommodating low scale residential and commercial uses to support the residential area, provided that such uses do not negatively impact the residential character of Brelsford Park.”

The BPD-5 zoning designation permits a maximum height of 5 stories of commercial, office and residential uses with a maximum floor-area-ratio (FAR) of 2.75. Unlike the current zoning (PPD-PO), the proposed zoning (BPD-5) allows multifamily residential uses among many others, including: hotel, office, and retail establishments. The district identifies Dixie Highway as the predominant commercial corridor and encourages attainable and workforce housing.

300 Palm Beach Lakes Boulevard follows the development pattern established by the Brelsford Park District with comparable site size, layout, and thoroughfare frontage. Additionally, the uses permitted for the district closely complement the historically established use for the site.

It is staff’s professional opinion the proposed rezoning of the 300 Palm Beach Lakes Boulevard will be beneficial for the surrounding neighborhood as it will serve as an inducement to renovate and revitalize what has been a derelict property for more than a decade.

Ordinance 4718-17

DOWNTOWN ACTION COMMITTEE: The Downtown Action Committee recommended approval (7-0) of the request described herein at their May 10, 2017 public hearing.

PLANNING BOARD: The Planning Board recommended approval (7-0) of the requests described herein at their June 20, 2017 public hearing.

Ordinance 4719-17

DOWNTOWN ACTION COMMITTEE: The Downtown Action Committee recommended approval (7-0) of the request described herein at their May 10, 2017 public hearing.

PLANNING BOARD: The Planning Board recommended approval (7-0) of the requests described herein at their June 20, 2017 public hearing.

PUBLIC NOTICE: Individual notices were mailed to all property owners within 500 feet of the property and signs were posted on the subject properties.

Ordinance 4720-17

DOWNTOWN ACTION COMMITTEE: The Downtown Action Committee recommended approval (7-0) of the request described herein at their June 14, 2017 public hearing.

PLANNING BOARD: The Planning Board recommended approval (7-0) of the requests described herein at their June 20, 2017 public hearing.

The subject property is located within Commission District No. 3- Commissioner Paula Ryan.

10. Public Hearing and First Reading of Ordinance No. 4712-17 approving the Landmark designation of Payne Chapel AME, located at 801 9th Street, on the West Palm Beach Local Register of Historic Places.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DESIGNATING 801 9th STREET, AS AN HISTORIC LANDMARK ON THE WEST PALM BEACH REGISTER OF HISTORIC PLACES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21514](#)

Staff Recommended Motion:

Approve Ordinance No. 4712-17, designating Payne Chapel AME church, 801 9th Street, as a Historic Landmark on the West Palm Beach Register of Historic Places. This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Historic Preservation Board, and the finding that the criteria set forth in Sec. 94-48 of the Zoning and Land Development Regulations have been met.

Background:

On February 13, 2017, the City Commission approved Ordinance No. 4691-17 which established a Landmarks program and TDR incentive within the Downtown Master Plan Area. These amendments to the Zoning and Land Development Regulations incorporated the designation criteria for a Landmark status, identified landmark structures as sending sites for the transfer of development rights program, and established the City's incentives for Landmark structures. This was done to encourage property owners to designate our most significant cultural resources making them eligible for their base amount of TDR's that would be negotiated among private parties and, additionally, receive another set of TDR's equivalent to the base from the City's pool of TDRs. By doubling the amount of TDR's available to these sites, an additional financial incentive for designation and preservation of the resource was created.

This is the first application of a building for Landmark status. The church located at the northwest corner of Division Avenue and 9th street (801 9th Street) is currently known as

Payne African Methodist Episcopal Church, was constructed from 1928-1937 and designed by Hazel Augustus, the city's first African American architect.

Payne Chapel AME is an excellent sample of Gothic Revival architecture. This style uses the guiding principles of Gothic revival churches as its inspiration that included the high arch along the main entry area and throughout all the exterior façades of the church. The two story, large volume Gothic Revival structure with (2) three story towers was built with brick. The structure was later resurfaced with white stucco, covering the original red brick. Compound pointed arches frame the east entrance. The main façade of Payne Chapel is similar to other Gothic revival churches because it has a strong central axis from east to west orientation. A stained glass rose window with tracery is a predominate feature above the main portal. Two spires, of differing heights with battlement details create the vertical design of the bell towers.

On June 27, 2017, the Historic Preservation Board unanimously voted (7-0) to recommend the designation of this Landmark to the City Commission.

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

Fiscal Note:

No fiscal impact.

11. **Public Hearing and First Reading of Ordinance No. 4721-17 amending the Comprehensive Plan Downtown Master Plan Element, and Ordinance No. 4722-17 amending the Downtown Master Plan Zoning Atlas to designate the property located at 326 Fern Street as Urban Open Space, AND**

Public Hearing and First Reading of Ordinance No. 4723-17 amending the Comprehensive Plan Downtown Master Plan Element, and Ordinance No. 4724-17 amending the Downtown Master Plan Zoning Atlas to designate the properties of the future Jazz Park as Urban Open Space.

ORDINANCE NO. 4721-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN: DOWNTOWN MASTER PLAN ELEMENT FIGURE DMP-2 SUBDISTRICT BOUNDARIES UNDER DMP POLICY 3.1.3 IDENTIFYING A NEW URBAN OPEN SPACE AT 326 FERN STREET; DECLARING THE PROPOSED AMENDMENTS TO BE CONSISTENT WITH ALL OTHER ELEMENTS OF THE COMPREHENSIVE PLAN; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4722-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE DOWNTOWN "ZONING ATLAS" AMENDING FIGURE 3 "SUBDISTRICTS"

MAP, UTILIZED AS THE DOWNTOWN MASTER PLAN ZONING DESIGNATIONS TO IMPLEMENT THE CHANGES ADOPTED IN THE COMPREHENSIVE PLAN BY ORDINANCE 4721-17 REGARDING THE REZONING OF A PROPERTY LOCATED AT 326 FERN STREET FROM QUADRILLE GARDEN DISTRICT 10 (QGD-10) TO URBAN OPEN SPACE (UOS); DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4723-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN: DOWNTOWN MASTER PLAN ELEMENT FIGURE DMP-2 SUBDISTRICT BOUNDARIES UNDER DMP POLICY 3.1.3 IDENTIFYING A NEW URBAN OPEN SPACE WITHIN THE NORTHWEST NEIGHBORHOOD DISTRICT; DECLARING THE PROPOSED AMENDMENTS TO BE CONSISTENT WITH ALL OTHER ELEMENTS OF THE COMPREHENSIVE PLAN; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4724-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE DOWNTOWN “ZONING ATLAS” FIGURE 3 “SUBDISTRICTS” MAP, UTILIZED AS THE DOWNTOWN MASTER PLAN ZONING DESIGNATIONS TO IMPLEMENT THE CHANGES ADOPTED IN THE COMPREHENSIVE PLAN BY ORDINANCE 4723-17 REGARDING THE REZONING OF PROPERTIES LOCATED AT 604 8TH STREET, 821 NORTH ROSEMARY AVENUE, 601 7TH STREET, AND 800 HENRIETTA AVENUE FROM NORTHWEST NEIGHBORHOOD DISTRICT 2 (NWD-2) TO URBAN OPEN SPACE (UOS); DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 21516](#)

Staff Recommended Motion:

APPROVE Ordinance No. 4721-17 amending the Comprehensive Plan: Downtown Master Plan Element Figure DMP-2 Subdistrict Boundaries under DMP Policy 3.1.3 identifying a new urban open space at 326 Fern Street. This motion is based on the factual testimony presented, the staff report, the recommendation of the Planning Board, and the finding the amendment is consistent with the Comprehensive Plan.

APPROVE Ordinance No. 4722-17 amending the Zoning Atlas to rezone the property located at 326 Fern Street to Urban Open Space. This motion is based on the factual testimony presented, the staff report, the recommendation of the Planning Board, and the

finding 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.

APPROVE Ordinance No. 4723-17 amending the Comprehensive Plan: Downtown Master Plan Element Figure DMP-2 Subdistrict Boundaries under DMP Policy 3.1.3 identifying a new Urban Open Space within the Northwest Neighborhood. This motion is based on the factual testimony presented, the staff report, the recommendation of the Planning Board, and the finding the amendment is consistent with the Comprehensive Plan.

APPROVE Ordinance No. 4724-17 amending the Zoning Atlas to rezone the properties located at 604 8th Street, 821 North Rosemary Avenue, 601 7th Street, And 800 Henrietta Avenue to Urban Open Space. This motion is based on the factual testimony presented, the staff report, the recommendation of the Planning Board, and the finding 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:

326 Fern Street - Urban Open Space:

On October 29, 2008, the City approved a site plan for the project known as Central Park Plaza. The project included the Southern Bell Telephone and Telegraph building, also known as the Meridian building, a new 16-story building across the street, and a future public open space at the corner of Dixie Highway and Fern Street. The approval required the public open space to be constructed by the developer in order to authorize the transfer of development rights from the open space to the 16-story residential building.

The public open space has been completed and it is now open to the public. The space will be privately maintained, but ownership will be transferred to the City. One of the last steps in the process is the rezoning of the property from Quadrille Garden District-10 to Urban Open Space to ensure the park is preserved in perpetuity. Ordinance No. 4721-17 amends the Downtown Master Plan Element of the Comprehensive Plan to reflect the designation of the 326 Fern Street property as an Urban Open Space, and Ordinance No. 4722-17 rezones the property as an Urban Open Space.

DOWNTOWN ACTION COMMITTEE: The Downtown Action Committee recommended approval (7-0) of the request described herein at their May 10, 2017 public hearing.

PLANNING BOARD: The Planning Board recommended approval (7-0) of the requests described herein at their May 16, 2017 public hearing.

PUBLIC NOTICE: Individual notices were mailed to all property owners within 500 feet of the property and signs were posted on the subject properties.

Northwest Neighborhood - Urban Open Space:

For the last couple of years, the Community Redevelopment Agency (CRA) has focused

substantial efforts in the revitalization of the Historic Northwest Neighborhood. In 2002, the CRA commissioned Stull and Lee, Inc. to analyze the neighborhood and produce a strategic development plan. The report identified the Sunset Lounge as an anchor for what it referred to as the Sunset District. Additionally, the plan called for a public open space to be provided adjacent to the club.

On June 15 2016, the CRA acquired the Historic Sunset lounge and six other adjacent parcels in an effort to fulfill the community vision identified by the Stull and Lee Northwest Neighborhood Strategic Development Plan. The renovation plans for the historic Sunset lounge are currently underway, and the site of the future open space has been cleared. A design process for the future urban open space is already underway with the community, and final designs are expected within the next year. Ordinance No.4723-17 amends the Downtown Master Plan Element of the Comprehensive Plan to reflect the designation of the subject properties as Urbna Open Spaces, and Ordinance No. 4724-17 rezones the properties as Urban Open Space.

DOWNTOWN ACTION COMMITTEE: The Downtown Action Committee recommended approval (7-0) of the request described herein at their May 10, 2017 public hearing.

PLANNING BOARD: The Planning Board recommended approval (7-0) of the requests described herein at their June 20, 2017 public hearing.

PUBLIC NOTICE: Individual notices were mailed to all property owners within 500 feet of the property and signs were posted on the subject properties. Ordinance 4724-17 was advertised in the Palm Beach Post on August 7, 2017.

Both properties are located within Commission District No. 3-Commissioner Paula Ryan.

OTHER BUSINESS (12):

- 12. Appeal of the Historic Preservation Board's condition in Case No. 17-29, approving the request for alterations to replace all windows with the front facing original windows to be restored on a contributing structure within the Prospect Park/Southland Park Historic District, located at 280 Edgewood Drive.**
[Agenda Cover Memorandum No.: 21515](#)

Staff Recommended Motion:

Uphold the Historic Preservation Board's decision. This motion is based upon the factual testimony presented, the application submitted and the staff report, which constitutes competent, substantial evidence, along with the finding that the application does not comply with Section 94-49 of the City of West Palm Beach Zoning and Land Development Regulations.

Background:

This two story Monterey style residence was designed by Gustav Adam Maass, Jr. in 1937 for Rupert H. Gillispie (a dentist) and originally situated at 1015 Hillcrest Boulevard. It was relocated to this site in 1992 to avoid demolition due to the airport expansion. It is considered a contributing structure within the Prospect Park/Southland Park Historic District. The prominent features on the front façade which face north to Edgewood Road include the traditional second floor balcony, horizontal wood siding and 8/8 or 6/6 windows flanked by shutters.

The current property owners of 280 Edgewood Drive, Jared and Linda Soper, have had several cases in front of the Historic Preservation Board over the last year, including a variance for a front setback for an addition they wish to construct. The addition, alterations and variance were all approved.

APPLICATION: On May 23, 2017, the Applicants submitted an application for a certificate of appropriateness for the replacement of all windows (approximately a total of 23 units with a combination of 4/4,6/6 and 8/8 wood single hung) with an single-hung sash aluminum impact windows in white frames.

STAFF REPORT: The HPB Staff Report made the following recommendation: "The proposed alteration does comply with Standard 9 of the Secretary of the Interior's Standards for Rehabilitation, which states, "New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment. The project meets the Secretary of the Interiors Standard #9 for the compatibility criteria; therefore, the City staff is recommending Approval with conditions of the application as submitted. The condition is as follows: The front-facing windows, specifically the two 8/8-light windows on the ground floor and the three 6/6-light windows on the second floor, be repaired and restored as a condition of replacing those windows found on the side and rear elevations". Staff's presentation also applied Secretary of the Interior Standard #10 which provided that new additions and adjacent new construction should be undertaken so that, if in the future removed, the form and integrity of the historic property is unimpaired.

HISTORIC PRESERVATION BOARD. The Board approved the request by a 6-1 vote with the condition that the windows facing Edgewood Drive shall be retained.

APPEAL. The Applicants are appealing the condition. The Applicants' attorney has appealed the Board's decision. Pursuant to Sec. 94-50 of the Zoning and Land Development Regulations, the Historic Preservation Board's decisions may be appealed to the City Commission. The appeal hearing shall be held within 60 days of the written request to appeal.

REVIEW STANDARDS: The City Commission's review is de novo. The City Commission is required to apply the applicable standards and criteria set forth in the

historic preservation provisions of City's Code Section 94-49(c)(3), (4) and (5), which include the Secretary of the Interior Standards:

Sec. 94-49(c)(3) - Secretary of the Interiors' standards for rehabilitation. In reviewing an application, the Secretary of the Interior's standards for rehabilitation (as may be amended from time to time) shall be applied. The current version is as follows:

a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of buildings or structures, if appropriate, shall be undertaken using the gentlest means possible.

h. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Sec. 94-49(c)(4) - Additional criteria. The above standards for rehabilitation in subsection (c)(3) of this section shall be supplemented by the following criteria specific to certain types of requests:

a. New construction and alterations. The following design elements and features should be visually compatible with resources in the surrounding buildings.

1. Setting, orientation and setbacks. The building should be situated approximately the same distance from the street as adjacent buildings, to create a continuous street edge. The orientation of the building should be consistent with that of the surrounding buildings.

The setting should be designed with the overall environment in mind. It should take into account the compatibility of landscaping, parking, service areas, walkways and accessory structures.

2. Building height. The height of the building at street level should be visually compatible with the height of surrounding buildings.

3. Design styles. New buildings should take their design cues from the surrounding buildings. Traditional or contemporary design standards and elements should relate to the surrounding buildings.

4. Proportion of openings. The relationship of the width of windows and doors to the height of windows and doors should be visually compatible with the surrounding buildings.

5. Rhythm of solids to voids. The relationship between solids (walls) and voids (windows and doors) of a building should be visually compatible with the surrounding buildings.

6. Rhythm of spacing along the street. The relationship of buildings to the open space between them should be compatible with the other buildings on each side of the street in that block.

7. Relationship of materials and textures. The materials and textures of a building should be chosen with the predominant materials of the historic district in mind. Simplicity in such use is preferable.

8. Roof shapes. The roof shape of a building is a major distinguishing feature. The roof shape of a new building should be compatible with those of the buildings in the historic district.

9. Size, scale, bulk, mass and volume. The physical size, scale, bulk, mass and volume should be compatible with the surrounding buildings without overwhelming them.

Sec. 94-49(c)(5) - Decisions. Decisions regarding applications for certificates of appropriateness shall be based on the application, the application's compliance with the historic preservation provisions of this chapter, and the evidence and testimony presented in connection with the application. In reviewing an application, the division and the board shall be aware of the importance of finding a way to meet the current needs of the property owner. The division and the board shall also recognize the importance of recommending approval of plans that will be reasonable for the property owner to carry out. Any conditions or requirements imposed shall be reasonably related to the certificate of appropriateness sought by the applicant.

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

Fiscal Note:

No fiscal impact.

COMMENTS BY THE CITY COMMISSIONERS:

COMMENTS BY THE MAYOR:

ADJOURNMENT:

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

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