



**City of West Palm Beach
City Commission**

**DRAFT
AGENDA**

**November 10, 2014
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 SYLVIA MOFFETT

□ COMMISSIONER KIMBERLY MITCHELL

□ COMMISSIONER ISAAC ROBINSON, JR.

□ COMMISSIONER KEITH JAMES

□ COMMISSIONER SHANON MATERIO

ADMINISTRATION

□ CITY ADMINISTRATOR, JEFFREY L. GREEN

□ INTERIM 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.

CONTINUED TO DECEMBER 8, 2014 CITY COMMISSION MEETING (1):

1. Public Hearing and First Reading of Ordinance No. 4535-14 amending various sections of the City Code at Chapter 34 - Noise Control Violations, to amend definitions, noise levels in specific areas and enforcement.
[Agenda Cover Memorandum No.: 20083](#)

RECEIVE & FILE (2):

2. Executive Order amending the restricted hours for minors during Christmas on December 25, 2014
[Agenda Cover Memorandum No.: 20097](#)

PRESENTATIONS AND AWARDS (3 – 6):

3. Proclamation proclaiming November 15-23, 2014 as Hunger and Homelessness Awareness Week to be presented to Marilyn L. Muñoz, Executive Director of the Homeless Coalition.
[Agenda Cover Memorandum No.: 20101](#)
4. Special Presentation honoring Lt. Devon Pierce with the Rotary Firefighter of the Year Award. Michele Jones of the West Palm Beach Rotary and West Palm Beach Fire Chief Carlos Cabrera to present award plaque and place honor ribbon on Lt. Pierce's uniform.
[Agenda Cover Memorandum No.: 20094](#)
5. Presentation of the Certificate of Achievement for Excellence in Financial Reporting to the Finance Department. Certificate to be accepted by Lynne Green, Accounting Manager.
[Agenda Cover Memorandum No.: 20095](#)

6. Presentation of the Distinguished Budget Award to the Finance Department. Award to be accepted by Susan Nabors, Budget Manager.
[Agenda Cover Memorandum No.: 20096](#)

ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA:

CONSENT CALENDAR (7 – 16):

7. **Minutes of the Regular City Commission Meeting of October 27, 2014.**
[Agenda Cover Memorandum No.: 20102](#)

Staff Recommended Motion:

Approve the Minutes of the Regular City Commission Meeting held on October 27, 2014.

8. **Resolution No. 291-14(F) accepting funds from the West Palm Beach Library Foundation, Inc. to cover the additional cost of the outside signage change for the Mandel Public Library of West Palm Beach, in accordance with the terms of the Library Fund Raising Agreement with the Foundation and the capital grant term sheet from the Mandel Supporting Foundations ratified by Resolution No. 45-12.**

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 2014/2015 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 PROVIDE APPROPRIATIONS FOR A CONTRIBUTION FROM THE WEST PALM BEACH LIBRARY FOUNDATION TO CHANGE THE OUTSIDE SIGNAGE FOR THE MANDEL PUBLIC LIBRARY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 20098](#)

Staff Recommended Motion:

Approve Resolution No. 291-14(F).

Background:

The City of West Palm Beach and the West Palm Beach Library Foundation, Inc. ("Foundation"), executed a Library Fund Raising Agreement dated January 11, 2010, which authorized the Foundation to solicit donations for the Mandel Public Library of West Palm Beach in exchange for naming opportunities with certain conditions; and the Mandel Supporting Foundations has executed a capital grant term sheet to make a grant of Five Million Dollars to the Foundation to establish the Mandel Endowment, and in recognition of such grant, the Mandel Foundation has the right, in perpetuity, to name the Library building, which was ratified on February 21, 2012.

The West Palm Beach Library Foundation, Inc. agrees to pay the additional projected cost (up to \$25,773), using funds provided from the Mandel Foundation to cover the additional cost of changing out all outside library building signage to reflect the new library name.

Resolution No. 291-14(F) allocates the funding provided from the West Palm Beach Library Foundation, Inc. into an Improvements Other than Buildings account to pay for the library sign changes up to \$25,773.

9. **Resolution No. 283-14 authorizing a Sponsorship Agreement between the City of West Palm Beach and The United States Air Force Band for the Airmen of Note, Night of Jazz.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A SPONSORSHIP AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE UNITED STATES AIR FORCE BAND; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 20099](#)

Staff Recommended Motion:

Approve Resolution No. 283-14.

Background:

Resolution No. 283-14 authorizes the execution of a Sponsorship Agreement between the City and The United States Air Force Band for Airmen of Note, Night of Jazz on November 19, 2014 from 7:00pm to 8:30pm. The United States Air Force Band will provide the City certain sponsorship benefits in exchange for waiving fees and providing the services detailed in the Agreement. The United States Air Force premier jazz ensemble, The Airmen of Note, will hold a free concert at the Meyer Amphitheatre and provide all production for the event. The City of West Palm Beach In-Kind services will include the Special Event Permit Fee, use of the Post Park Lot, Dumpster Fees and Event Staff fee.

10. **Resolution No. 279-14(F) approving the appropriation of funding from the AIPP Capital Project Fund for sponsorship of the launch of the Arts & Entertainment District and returning funding for the design, permitting and installation of the Ann Norton Sculpture in the Okeechobee Boulevard Right of Way to the Art in Public Places Capital Project Fund Reserves.**

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 2014/2015 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE ART IN PUBLIC PLACES FUND BUDGET TO PROVIDE APPROPRIATIONS FOR A

SPONSORSHIP FOR THE ARTS AND ENTERTAINMENT DISTRICT LAUNCH EVENT AND TO RETURN APPROPRIATIONS FOR THE ANN NORTON SCULPTURE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 20100](#)

Staff Recommended Motion:

Approve Resolution No. 279-14(F).

Background:

The City Commission approved Resolution No. 232-12(F) on August 20, 2012, to appropriate funds to be used for the construction and construction related activities for the design, permitting and installation of the Ann Norton Sculpture in the Okeechobee Boulevard Right of Way. At the October 1, 2014, Art in Public Places Committee Meeting, the AIPP Committee voted to return \$108,000 appropriated for the Ann Norton Sculpture back to the AIPP Capital Project Fund budget. IBI Group, Inc. has been contracted to complete the AIPP Master Plan which will include discussion and direction on the funding of future, large scale projects such as the Ann Norton Sculpture.

Also at the October 1, 2014, AIPP Committee Meeting, the committee voted to appropriate \$15,000 from the AIPP Capital Project Fund to sponsor the Arts and Entertainment District Launch Event produced by the Downtown Development Authority. In return for the \$15,000 sponsorship, the DDA will include the AIPP logo on all printed and promotional materials for the November 13, 2014 event.

Fiscal Note:

Approval will fund sponsorship of the Arts and Entertainment District Launch Event and subsequent activities through 2015.

11. **Resolution No. 282-14 authorizing a Sponsorship Agreement between the City of West Palm Beach and Life Time Fitness, Inc. for the EAU Palm Beach Marathon to be held on December 7, 2014.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A SPONSORSHIP AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND LIFE TIME FITNESS, INC.; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 20103](#)

Staff Recommended Motion:

Approve Resolution No. 282-14.

Background:

Resolution No. 282-14 authorizes the execution of a Sponsorship Agreement between the City and Life Time Fitness, Inc. for the EAU Palm Beach Marathon. Life Time Fitness,

Inc. will provide the City certain sponsorship benefits in exchange for waiving fees and providing the services detailed in the Agreement. The City will receive the City logo printed on all collateral materials, logo included on the sponsor page of the event website with a link to the Sponsors website or designated landing page, six (6) PA announcements on race day, Event-Day Signage (provided by LIFE TIME), six (6) complimentary race entries to each sponsored event, ten (10) credentials to event VIP functions, one table of eight to Marathon kick-off breakfast/press conference. City of West Palm Beach In-Kind services will include the Special Event Permit Fee, use of the Post Park Lot, the Old City Hall Lot and Parking Meter Fees.

- 12. Resolution No. 302-14(F) amending the Fiscal Year 2014/2015 Waterfront District Fund budget to recognize Firefighter Chili Cook Off revenue for Clematis by Night Firefighter Chili Cook Off, Thursday, October 2, 2014, and appropriating a portion of the funds for donation to the Fraternal Order of Firefighters.**

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 2014/2015 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE WATERFRONT DISTRICT FUND BUDGET TO PROVIDE APPROPRIATIONS THE RECEIPT OF FUNDS FROM THE FIREFIGHTER CHILI COOK OFF AND FOR THE DONATION TO THE FRATERNAL ORDER OF FIREFIGHTERS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 20104](#)

Staff Recommended Motion:

Approve Resolution No. 302-14(F).

Background:

The inaugural Firefighter's Chili Cook Off was held in conjunction with Clematis by Night on October 2, 2014. Half of the \$5,063.40 in proceeds from the ticket sales were projected to go into the Fraternal Order of Firefighters Fund (501c3) for their distribution to a charity. The Wounded Warrior Project will receive a check from the Fraternal Order of Firefighters for \$2,531.70.

- 13. Resolution No. 284-14 approving an agreement among the US Department of Health and Human Services, Office of Minority Health, the Department of Justice, Office of Community Oriented Policing Services, and the City of West Palm Beach to provide at-risk youth and families access to health care education opportunities, health systems training, and health services to reduce those disparities that challenge their efforts to access public health services; and
Resolution No. 285-14(F) appropriating FY 2014/2015 grant funds; and
Resolution No. 286-14(F) authorizing the addition of a position to the personnel plan; and**

Resolution No. 296-14 amending the City's Salary Plan for FY2014-15 creating the job classification of Case Manager.

RESOLUTION NO. 284-14: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A GRANT FROM THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES IN THE AMOUNT OF \$340,000 ANNUALLY, FOR THREE YEARS, FOR IMPLEMENTATION OF A MINORITY YOUTH VIOLENCE PREVENTION PROGRAM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 285-14(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 2014/2015 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 PROVIDE APPROPRIATIONS FOR THE RECEIPT OF A DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLIC HEALTH SERVICE GRANT FOR YOUTH VIOLENCE PREVENTION; AND FOR OTHER PURPOSES.

RESOLUTION NO. 286-14: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE GRANT PROGRAMS SPECIAL REVENUE FUND BUDGET TO AMEND THE FULL TIME EQUIVALENT (F.T.E.) PERSONNEL DETAIL OF THE GRANT PROGRAMS SPECIAL REVENUE FUND FOR THE PARKS AND RECREATION DEPARTMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 296-14: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CITY'S SALARY PLAN AS PROVIDED IN RESOLUTION NO. 220-14, APPROVED ON SEPTEMBER 29, 2014, TO CREATE THE JOB TITLE OF THE CASE MANAGER, AND PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 20109](#)

Staff Recommended Motion:

Approve Resolution No. 284-14, Resolution No. 285-14(F), Resolution No. 286-14(F), and Resolution No. 296-14.

Background:

US Department of Health and Human Services, Office of Minority Health, along with the Department of Justice, Office of Community Oriented Policing Services announced the recipients of its grants to support organizations that provide public health and youth violence prevention strategies to reduce those disparities at-risk youth and families face

when trying to find health care. The City of West Palm Beach Parks and Recreation Department and Police Departments developed a program with support from the Palm Beach County Health Department to apply for the grant. The "Policing Approach Through Health, Wellness, And Youth" or "PATHWAY" program was developed to integrate the Parks and Recreation Department's Youth Violence Prevention Project (YVPP) model in place at the Youth Empowerment Center with the Federal Department of Health and Human Services, Minority Youth Violence Prevention, Integrating Public Health and Community Policing Approaches to address those disparities. PATHWAY incorporates our youth violence prevention-based, diversion and restorative justice programs with health care education programs and opportunities to form a comprehensive network of programs and services that provide health education training and the how-to's to accessing health care services. 'PATHWAY' will expand the Youth Empowerment Center's prevention-based, diversion, and restorative justice program to integrate health and wellness education. Data from existing crime tracking data bases will be used to document the success of the 'PATHWAY' Program. The tools, program design and logic model will be made available into a 'PATHWAY' tool kit that will serve as a guidebook to enable jurisdictions across the country to replicate this program to their individual communities. By accepting the grant, the City acknowledges that the 'PATHWAY' Program will participate in the cross-site evaluation and technical assistance component of the MYVP that is supported by the COPS office.

Fiscal Note:

Approval will increase programming opportunities for the Youth Empowerment Center

- 14. Resolution No. 300-14(F) amending the Fiscal Year 2014/2015 Miscellaneous Trust Fund Budget to authorize appropriations from Federal Law Enforcement Equitable Sharing Funds for law enforcement donations and Law Enforcement Equipment.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2014/2015 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE MISCELLANEOUS TRUST FUND BUDGET TO PROVIDE APPROPRIATIONS FROM THE FEDERAL LAW ENFORCEMENT FORFEITURE RECEIPTS (EQUITABLE SHARING FUNDS) FOR DONATIONS AND LAW ENFORCEMENT EQUIPMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 20111](#)

Staff Recommended Motion:

Approve Resolution No. 300-14(F).

Background:

The Federal Law Enforcement Equitable Sharing Funds expenditure totaling \$22,437.00, which the Chief of Police certifies are in compliance with the Department of Justice

Guide to Equitable Sharing for State and Local Law Enforcement Agencies, are for the following:

1). National Law Enforcement Museum: (\$2,000.00 donation) This museum is being built in Washington, D.C. The Hall of remembrance will tell the stories of the 19,981 fallen officers whose names are now and forever on the Memorial's marble walls. Programs and activities of the Museum will serve educational purposes, providing a research clearinghouse and library for law enforcement research as well as interactive exhibits. The Department of Justice has specifically authorized this particular use of the EQS Funds until the funding goal is met.

2) Fitness Equipment: (\$20,437.00): The Police Department Fitness facility is in need of major updating and the requested equipment will help law enforcement staff maintain physical readiness and good health. Fitness equipment is specifically authorized in the Department of Justice Guide as an authorized expenditure.

15. Resolution No. 298-14(F) establishing a South Dixie Corridor Donation Account.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE CREATION OF THE SOUTH DIXIE CORRIDOR DONATION FUND; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 20110](#)

Staff Recommended Motion:

Approve Resolution No. 298-14(F).

Background:

On December 12, 2011, the City adopted Resolution No. 317-11. This allowed the Urban Land Institute (ULI) to convene a Technical Assistance Panel (the "TAP") to obtain professional advice and recommendations regarding the redevelopment of the South Dixie Highway Corridor (the "Corridor") from Okeechobee Boulevard to the south City Limits at the Lake Worth Spillway. A group of nine (9) experts in the fields of architecture, planning, transportation, redevelopment and marketing were assembled on January 26th and 27th, 2012 to study the Corridor. The City convened the TAP to provide seasoned expert advice on how to improve and revitalize the Corridor. The panel was asked to focus on both near and longer-term steps to show what the Corridor could be like in the future as well as the implementation strategies necessary to make that future a reality. This report was presented to the City Commission in April 2012.

On May 7, 2012, City staff discussed an implementation strategy for the ULI recommendations at the Mayor-Commission Work Session and developed a chart of 42 recommendations based on the ULI report. This was followed by a June 18, 2012 public implementation kickoff meeting. Subsequently, the Mayor appointed nine (9) individuals to form the South Dixie Corridor Implementation Strategy Committee (the "Committee"). These nine (9) individuals cover each area of the Corridor (north, central,

and south) and represented residents, property owners, and business leaders. This committee met over a two (2) year period to evaluate the ULI TAP panel's 42 recommendations and presented their findings to the City Commission at their August 11, 2014 workshop meeting.

Subsequent to that presentation, several residential groups have inquired about tasking the Treasure Coast Regional Planning Council (TCRPC) to conduct further analysis in the area from Okeechobee Boulevard to Albermarle Road. City staff has met with city residents and representatives from the TCRPC and they have requested the ability for the City to obtain donations to be utilized towards implementation of some of the recommendations made by the South Dixie Committee.

The South Dixie Corridor is in Commission District No. 3 - Commissioner Mitchell and District 5 - Commissioner Materio.

16. Resolution No. 287-14 approving an Interlocal Agreement with the Town of Palm Beach to formalize the existence of its force main at various locations in West Palm Beach and conceptually approve the force main extension and relocation.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE TOWN OF PALM BEACH REGARDING THE MUTUAL EXCHANGE OF EASEMENTS FOR VARIOUS UTILITY FACILITIES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 20108](#)

Staff Recommended Motion:

Approve Resolution No. 287-14.

Background:

The City and the Town of Palm Beach entered into an agreement dated December 6, 1972, which provided for the construction, operation and maintenance of a joint wastewater transmission system which required the location of certain wastewater facilities in, on and under certain City properties. The Town's existing force main currently extends from the island of Palm Beach through Currie Park to Lift Station 22 at 23rd street and Tamarind Ave. In order to provide for a back-up system, the Town constructed a new subaqueous force main crossing at Providencia Park in 2010.

The Town will now extend this force main from Providencia Park along Flagler Drive and connect to the existing force main in Currie Park. As part of this agreement, the City agrees to grant the Town conceptual utility easements for its existing and proposed facilities within Currie and Providencia Parks as well as within the Lift Station 22 property.

The City and the Town of Palm Beach also entered into a Retail Water Service and Franchise Agreement, dated June 16, 1999, the City provides retail water service to customers located within the Town, utilizing the City's Water Distribution System, which includes five subaqueous crossings with facilities located in the Town.

The City and the Town desire to formally grant each other easements for recording in the public records of Palm Beach County so that the location of the utility facilities located in each other's jurisdiction, and the rights associated therewith, are clearly established. The City and Town desire to enter into an Interlocal Agreement to memorialize their agreement to grant the following easements for the utility facilities:

1. Phipps Park City Booster Station – Water System. Easement from Town to City for existing City utility facilities in Town's Phipps Park.
2. Bradley Park City Crossing – Water System. Easement from Town to City for existing City utility facilities in Town's Bradley Park.
3. Providencia Park Existing Forcemain Town Crossing – Wastewater System. Easement from City to Town for existing utility facilities in City's Providencia Park.
4. Providencia Park New Forcemain – Wastewater System. Easement from City to Town for new utility facilities in City's Providencia Park.
5. Currie Park Existing Town Forcemain – Wastewater System. Easement from City to Town for existing utility facilities in City's Currie Park.
6. Currie Park New Town Forcemain – Wastewater System. Easement from City to Town for new utility facilities in City's Currie Park.
7. Lift Station 22 New Town Forcemain - Wastewater System. Easement from City to Town for new utility facilities in Lift Station 22 parcel.

Resolution No. 287-14 approves the Interlocal Agreement with the Town for the mutual exchange of these easements.

Currie Park and Lift Station 22 - Commission District No. 1 - Commissioner Moffett

Providencia Park - Commission District No. 3 - Commissioner Mitchell

Fiscal Note:

No fiscal impact.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

PUBLIC HEARING (17 – 18):

17. **Public Hearing and Second Reading of Ordinance No. 4538-14 amending Chapter 2, Article IV, of the Code of Ordinances and Chapter 58, Articles II, III, and IV to reflect an administrative reorganization of various departments. Resolution No. 303-14 creating new job titles associated with the reorganization. Resolution No.**

305-14(F) amending the full time equivalent personnel detail of the Engineering & Public Works Department, Parks and Recreation Department, and Purchasing Department.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES AT CHAPTER 2 (ADMINISTRATION), ARTICLE IV (OFFICES, DEPARTMENTS AND DIVISIONS), DIVISION 4 (FINANCE), SECTIONS 2-197, 2-200 THROUGH 2-202; DIVISION 6 (SUPPORT SERVICES), SECTIONS 2-241, 2-242 THROUGH 2-246; DIVISION 7 (HUMAN RESOURCES), SECTIONS 2-267 THROUGH 2-271; DIVISION 14 (PARKS AND RECREATION), SECTIONS 2-412 AND 2-413; DIVISION 15 (ENGINEERING AND PUBLIC WORKS), SECTIONS 2-420 AND 2-421; ADDING DIVISION 16 (RESERVED), CREATING THE PROCUREMENT DEPARTMENT AND DIVISION 17 (INFORMATION TECHNOLOGY) CREATING THE INFORMATION TECHNOLOGY DEPARTMENT; AMENDING THE CODE OF ORDINANCES AT CHAPTER 58 (PARKS AND RECREATION FACILITIES), ARTICLE II (ADMINISTRATION), DIVISION 2 (PARKS AND RECREATION ADVISORY COMMITTEE), SECTION 58-49; ARTICLE III (CONDUCT IN PARKS AND RECREATION FACILITIES) SECTIONS 58-83, 58-84, 58-85, 58-86, AND 58-88; ARTICLE IV (GOLF), DIVISION 3 (GOLF ADVISORY COMMITTEE), SECTIONS 58-143 AND 58-145; CHAPTER 74 (SOLID WASTE), ARTICLE V (COMMERCIAL COLLECTION FRANCHISE), SECTIONS 74-221, AND 74-225-227; CHAPTER 94 (ZONING AND LAND DEVELOPMENT REGULATIONS), ARTICLE XI (SUBDIVISIONS DESIGN STANDARDS AND SPECIFICATIONS), SECTION 94-343; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND CONFLICT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CITY'S SALARY PLAN AS PROVIDED IN RESOLUTION NO. 220-14, APPROVED ON SEPTEMBER 29, 2014, TO CREATE THE JOB TITLES OF PARKS MAINTENANCE OPERATIONS MANAGER, RIGHT OF WAY MANAGER, DIRECTOR OF RECREATION AND STRATEGIC INNOVATIONS AND DIRECTOR OF PROCUREMENT AND TO UPGRADE THE PAY GRADE OF THE CITY ENGINEER JOB CLASSIFICATION, AND PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE GRANT PROGRAMS SPECIAL REVENUE FUND BUDGET TO AMEND THE FULL TIME EQUIVALENT (F.T.E.) PERSONNEL DETAIL OF THE GENERAL FUND FOR THE ENGINEERING AND PUBLIC WORKS DEPARTMENT, PARKS AND RECREATION DEPARTMENT, AND PURCHASING DEPARTMENT

**RELATED TO A REORGANIZATION; PROVIDING AN EFFECTIVE DATE;
AND FOR OTHER PURPOSES.**

[Agenda Cover Memorandum No.: 20105](#)

Staff Recommended Motion:

Approve Ordinance No. 4538-14 on Second Reading, Resolution No. 303-14, and Resolution No. 305-14(F).

Background:

After administration having visited each department to see what is working and what can be done better and after considering suggested ideas, the Mayor has determined that reorganization of departments and divisions within various departments will allow work to be processed in a more efficient and effective manner. The reorganization shifts the Risk Management Division from the Finance Department to the Human Resources Department, separates Support Services and Information Technology into two separate departments, moves grounds maintenance responsibilities from the Parks and Recreation Department to Public Works Department and creates the Procurement Department which currently exists as a division under the Finance Department. The creation of the Procurement Department will provide for better coordination of efforts and administration of purchasing and contract management.

Fiscal Note:

No fiscal impact.

18. **Public Hearing and First Reading of Ordinance No. 4539-14. A City-initiated amendment to Article IV- Downtown Master Plan- Figure IV-35 TDR Sending and Receiving Sites, to designate properties within the Flagler Waterfront District as TDR receiving sites, correct a map scrivener's error; and create the corresponding building requirements table for the new FWD-5-8 designation.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 94 (ZONING AND LAND DEVELOPMENT REGULATIONS), ARTICLE IV (DOWNTOWN MASTER PLAN), FIGURE IV-35 SENDING AND RECEIVING SITES TO DESIGNATE PROPERTIES WITHIN THE FLAGLER WATERFRONT DISTRICT AS TDR RECEIVING SITES; CORRECT A SCRIVENER'S ERROR; AND CREATE THE CORRESPONDING BUILDING REQUIREMENTS TABLE FOR THE NEW FWD-5-8 RECEIVING SITE DESIGNATION; DECLARING THESE AMENDMENTS TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 20106](#)

Staff Recommended Motion:
APPROVE Ordinance No. 4539-14.

Background:

The Flagler Waterfront District is identified in the Downtown Master Plan (DMP) as the area east of Olive Avenue between Okeechobee Boulevard and Loftin Street, excluding the area between Datura Street and Banyan Boulevard which is identified as Clematis Waterfront District. Since the initial adoption of the Downtown Master Plan (DMP), the Flagler Waterfront area has been the subject of controversial discussions. The 1995 DMP, adopted by Ordinance No. 2757-94 and 2759-94, originally designated properties along Flagler Drive as Building Type IV, and assigned a maximum height of 15-stories.

On March 12, 1996, a citizen's petition proposing an amendment to Ordinance No. 2757-94 and 2759-94 to reduce the building height allowed within the Waterfront District and the Government District was passed by a vote of 4,227 in favor and 2,772 against. Subsequently, the City Commission approved Ordinance No. 3432-01 adopting a code amendment to restrict the height of new buildings located east of Olive Avenue from Okeechobee Boulevard to 7th Street to a maximum of 5-stories.

Since that time, several discussions have occurred regarding the possibility of increasing the height limitation along the Waterfront area. The discussion gained more importance once the new City Center building was completed in 2009, and the City Hall was moved from its location at 200 2nd Street, leaving the old City Hall site free for redevelopment.

The most recent discussion took place in 2012 when the City issued a call for proposals on the old City Hall site (ITN 11-12-500). For a variety of reasons, including uncertainty regarding the maximum height permitted, no successful respondent was selected to move forward with this project. The current maximum height of 5-stories was a significant issue with the negotiations. Considering this situation, on June 23, 2014 the City Commission, sitting as the Community Redevelopment Agency Board, instructed staff to process a code amendment to allow an increase in height for the old City Hall site from the current 5-stories to a maximum of 8-stories. The proposed zoning code amendment addresses the City Commission request.

The proposed amendment includes the following:

1. An amendment to Figure IV-35: TDR Sending and Receiving Sites to designate the area of the Flagler Waterfront District – 5 between 5th Street and Banyan Boulevard as FWD-5-8 TDR receiving site.
2. An amendment to Figure IV-35: TDR Sending and Receiving Sites to correct the following scrivener's errors:
 - a. Remove the eligible historic sending site designation from the property located at 410 N. Olive Avenue.

- b. Remove the eligible historic sending site designation from the property located at 219 S. Olive Avenue.
 - c. Designate as an eligible historic sending site the entire property identified as 464 Fern Street.
 - d. Designate as eligible historic sending site the properties identified as 513 Clematis Street, 530 Clematis Street, 526 Clematis Street.
3. An amendment to Article IV- Downtown Master Plan to create Table IV-54: Building Requirements FWD-5-8 to regulate the additional development capacity allowed within the FWD-5-8.

Analysis: The general vision of the Downtown area identifies the Flagler Waterfront District as a neighborhood characterized by existing high-rise condominium buildings and office towers. The emphasis on any new development is placed on increasing the pedestrian connectivity to the waterfront park, providing active uses at ground floor level, and enhancing the quality of the public space at ground floor.

The proposed amendment will allow the properties located between Banyan Boulevard and 5th Street to increase their building height from 5-stories and an FAR of 2.75 to 8-stories and an FAR of 3.75 through the Transfer of Development Rights program. The Downtown Master Plan Element of the Comprehensive Plan already includes provisions to allow for increased height and development capacity within the Flagler Waterfront District, therefore only a zoning code change is necessary to allow the desired increased height.

The Flagler Waterfront District north of Banyan Boulevard could be considered as a fully developed district. Within this portion of the District, only the 2.2 acre old City Hall site and the old Helen Wilkes site are currently open for redevelopment. Currently, the City owns the two parcels, and intends to develop the old City Hall site with a hotel project and a public open space along Flagler Drive.

It is staff's professional opinion the proposed amendment will not be detrimental to the configuration of the Flagler Waterfront District, and to the contrary it will promote the redevelopment of the old City Hall site. The proposed 8-story height is compatible with the surrounding properties.

The proposed text amendment was presented to the Downtown Action Committee (DAC) at its public hearing on August 13, 2014. The DAC reviewed the case, and recommended approval with a vote of 5-0. The DAC recommended some modifications to allow the incentive only for projects including a full service hotel or a class A office use, and a minimum amount of open space for properties facing Flagler Drive. The Planning Board (PB) also reviewed the proposed amendment at its August 19, 2014 public hearing. The PB recommended approval with a vote of 7-0 with the recommendation that additional language be included stating that any site taking advantage of the FWD-5-8 designation shall demonstrate a significant public benefit.

The proposed amendments are located within Commission District No 3- Commissioner Kimberly Mitchell.

A public hearing and second reading will be scheduled for November 24, 2014.

**PUBLIC HEARING – QUASI-JUDICIAL (19 – 20):
DISCLOSURE OF EX-PARTE COMMUNICATIONS, IF ANY*
-SWEARING IN OF WITNESSES:**

19. **Public Hearing and Second Reading of Ordinance No. 4528-14: A request by the City of West Palm Beach Community Redevelopment Agency (CRA) for a Text Amendment to the Zoning and Land Development Regulations to amend and incorporate new regulations for the Currie Mixed-Use District (CMUD).**

Public Hearing and Second Reading of Ordinance No. 4529-14: A request by the City of West Palm Beach Community Redevelopment Agency (CRA) for a Zoning map amendment to rezone certain properties from Currie Corridor Mixed-Use District Type I (CMUD I), Type II (CMUD II), and Type III (CMUD III) to Currie Mixed-Use District (CMUD) with Subdistricts, to incorporate new regulations.

ORDINANCE NO. 4528-14: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 94, ZONING AND LAND DEVELOPMENT REGULATIONS, TO INCORPORATE NEW REGULATIONS FOR THE CURRIE MIXED-USE DISTRICT (CMUD) IN SECTION 94-4, ZONING DISTRICTS ESTABLISHED, RELATIONSHIP TO LAND USE CATEGORIES IN COMPREHENSIVE PLAN, SECTION 94-209, MIXED-USE (MU) DISTRICT, SECTION 94-215, CURRIE CORRIDOR MIXED USE DISTRICT (CMUD), SECTION 94-272, PERMITTED USE TABLE AND SECTION 94-273, EXTRA REQUIREMENTS FOR SPECIAL USES OR PERMITTED USES; REPEALING SECTION 94-216, CMUD BUILDING TYPE I, SECTION 94-217, CMUD BUILDING TYPE II, AND SECTION 94-218, CMUD BUILDING TYPE III; DECLARING THIS AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO: 4529-14: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF WEST PALM BEACH BY REZONING APPROXIMATELY 65 ACRES GENERALLY LOCATED EAST OF NORTH DIXIE HIGHWAY, WEST OF FLAGLER DRIVE, SOUTH OF 27TH STREET, AND NORTH OF PINE STREET FROM CURRIE MIXED-USE DISTRICT BUILDING TYPE I (CMUD I), CURRIE MIXED-USE DISTRICT BUILDING TYPE II (CMUD II), AND CURRIE MIXED-USE DISTRICT BUILDING TYPE

III (CMUD III) TO CURRIE MIXED-USE DISTRICT (CMUD) WITH SUB-DISTRICTS; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REVISING THE ZONING MAP OF THE CITY ACCORDINGLY; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 20107](#)

Staff Recommended Motion:

APPROVE Ordinance No. 4528-14, approving a Text Amendment to the Zoning and Land Development Regulations amending the regulations related to the Mixed-Use (MU) and Currie Mixed-Use District (CMUD) to incorporate new regulations. 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 the City's Zoning and Land Development Regulations.

APPROVE Ordinance No. 4529-14, changing the zoning designation regarding the Currie Corridor Mixed-Use District Building Type I (CMUD I), Building Type II (CMUD II) and Building Type III (CMUD III) to Currie Mixed-Use District (CMUD) with Sub-districts. 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 the City's Zoning and Land Development Regulations.

Background:

STAFF POSITION:

The Development Services Department - Planning Division- finds that the request for the Text Amendments and Rezoning complies with all of the required standards found in Section 94-32 of the City's Zoning and Land Development Regulations. Compliance with all of the above-referenced standards has been detailed in the Staff Report attached hereto as ATTACHMENT 1.

The Planning Board recommended approval (7-0) of all requests to the City Commission after a Public Hearing on October 22, 2014.

HISTORY:

Redevelopment Management Associates (RMA) on behalf of the City Community Redevelopment Agency (CRA) conducted a seven (7) day public visioning workshop in March of 2014 to develop a strategy and consensus for the redevelopment of the entire City North End Community Redevelopment Area and adjacent neighborhoods. The study area was generally between the city limits on the north, the Intracoastal Waterway on the east, Windsor Avenue on the west (including the industrial district) and 14th Street on the south. Prior to the workshop, the CRA held several public meetings in the community, including the CRA Advisory Board (CRAAB), and distributed notices to the stakeholders

and property owners within the CRA boundary in order to engage public participation. The workshop was well attended by residents, business and property owners, community leaders and stakeholders who provided extensive input. At the end of the workshop, a presentation of the work-in progress was given to the community highlighting the analysis and recommendations for the study area. There was general support of the proposed recommendations and consensus to move forward.

On April 15, 2014, the CRA staff presented the results of the visioning workshop and community input to the CRA board. The board supported the recommendations presented by the CRA staff and instructed RMA to draft the amendments to the Comprehensive Plan and Zoning regulations for the individual districts. Because of current development pressures within the CMUD, the board requested that the CMUD area be addressed first.

During the Master Plan update public process, the community and stakeholders within the CMUD expressed the need to: a) increase the allowable heights allowed within the District to encourage development, and b) provide flexibility of uses within the District to allow compatible non-residential uses along Flagler Drive in order to encourage a walkable pedestrian oriented environment and the activation of Currie Park. In CMUD, the main objective is to establish a physical and visual connection between the Currie Park and Intracoastal Waterway on the east and the Northwood District on the west. Another main objective is to encourage development on the vast amount of vacant property across from Currie Park along Flagler Drive.

When the CMUD was created in 2002, the intent was to establish a transition area between the single family to the north, Northwood Village to the west and the Professional Office area to the south. The maximum allowable building height permitted today in the CMUD is four (4) stories. As part of the residential incentive program (expired in May 20, 2008), an additional two stories of height were granted to properties that developed residential uses and met specific locational criteria. Due to the increased cost of construction and high value of waterfront real estate, it became apparent that the allowable maximum building height within CMUD is too low for a financially feasible development to occur. During the visioning week, a careful analysis was conducted to determine the possible impact of increased height to adjacent properties. It was determined that only a portion of the northwest area of the CMUD may be affected by increase height, as it abuts a single family residential district. To the north and south of the CMUD district, there are currently high density residential developments of approximately 10 stories in height. To the west of the CMUD district are the Northwood Village, a predominately commercial district, and general commercial uses along Dixie Highway in the Pleasant City Neighborhood. As a result, it was recommended to increase the maximum allowable height to 15 floors in certain areas. The new development regulations will establish specific incentives for public improvements the developer will be required to provide in order to achieve the increased height.

On September 29, 2014 the City Commission approved Ordinance No. 4521-14, which amended the Future Land Use Element (FLUE) of the City's Comprehensive Plan regarding Mixed-Use Districts (MU) and the CMUD. There was no change to the specific

thresholds for the maximum buildout permitted in the CMUD which consist of 2.3 million square feet of retail/commercial use and 4,065 residential units, however, based on the evaluation of the current CMUD regulations it became apparent that the allowable maximum buildout of residential density and commercial intensity cannot be allocated within the maximum four (4) story building envelope permitted today by the current development regulations. As a result, the Comprehensive Plan increased the maximum allowable building height within CMUD to 15 stories. Regulating plans within the proposed ZLDRs will address the need to increase height within CMUD while establishing a proper transition of intensities and expected public benefits (i.e. public open spaces, greenways etc.) all supporting the vision plan that was created for the CMUD.

The proposed zoning code text amendments and rezoning discussed below carry out the intent of the master planning efforts for CMUD and implement the changes made to the Comprehensive Plan.

ORDINANCE NO. 4528-14 – Zoning Code Text Amendment

The proposed ZLDRs amendments modify the MU and the CMUD regulations to coincide with the updates to the FLUE of the City's Comprehensive Plan. Changes proposed to the zoning code text include:

1. General revisions to ZLDR Section 94-4 to make edits to terminology and references directly applicable to the MU and CMUD changes/updates.
2. Revisions to ZLDR Section 94-209, MU Districts, to incorporate additional development standards applicable to all mixed-use districts within the City. Currently the changes to the MU district regulations will only apply to CMUD until further evaluation of other MU districts (i.e. Northwood Mixed-Use District and Broadway Mixed-Use District) have been conducted and updates have been made. The proposed changes to the MU district provide for a more comprehensive list of standards to promote pedestrian-friendly environments, mixing of uses, and aesthetic elements to create visual interest. Each mixed-use district will also continue to have additional regulations tailored to the specific uniqueness of each designated mixed-use district.
3. Revisions to ZLDR Section 94-215 through 94-218, CMUD to completely rewrite the regulations for CMUD. In addition to the text of the code, the regulations establish a set of regulating plans and diagrams designed to aid in guiding the development of CMUD in accordance with the master plan for the district. Outlined below are the main elements of the text amendment:
 - a. Sub-areas – A regulating plan divides the CMUD into three (3) sub-areas: Core, Transition, and Edge. The highest density and intensity within the CMUD has been allocated to the Core Sub-area, a mixed-use area in the heart of the district. The densities and intensities shall then gradually decrease from the Core to the Transition Sub-area where mixed-uses are still permitted and then further decrease to the Edge Sub-area

which is characterized by single uses, including low density residential adjacent to existing low density residential.

b. **Building Heights** – A regulating plan depicts the maximum heights as of right within each sub-area ranging from three (3) stories/36 feet to eight (8) stories/110 feet. The building heights regulating plans also provides for height bonuses of up to 15 stories/195 feet for specified locations within the district. Height bonuses are limited to properties directly abutting an urban greenway within the Core and Transition sub-areas. Specific details on height bonus requirements are detailed within the regulations and include height bonuses for constructing required urban greenways, constructing a LEED certified building, providing public parking, developing a grocery store, providing a green roof, developing and maintaining existing or new open spaces, and providing architectural features and articulation on building facades at the end of a street vistas.

c. **Designated Open Space and Urban Greenways** – A regulating plan that designates required open spaces and urban greenway systems within CMUD which is meant to provide a visual and physical connection between Northwood Village/Pleasant City neighborhoods on the west and Currie Park to the east, as well as enhancing the Flagler Drive north-south connection. Minimum specification for the urban greenways and opens spaces are detailed within the regulations and contain both text and graphical representations.

d. **Street Network Connectivity** – A regulating plan which shows the location of existing and required new streets needed to create the prescribed network of streets within CMUD. The regulating plan also establishes the hierarchy of streets within the district.

e. **Street Vistas** – A regulating plan which shows the location of important terminating vistas within the district.

f. **Building Typology and Placement Regulating Diagrams** – There are eight (8) building typologies provided for use within CMUD. Each building typology contains a schematic representation demonstrating required lot standards and profiles of structures. Not all building types are permitted in each sub-area. A table within the regulations shows which building typologies are permitted in each sub-area.

g. **Use Table** – A separate permitted use table has been created for CMUD regulating permitted uses (P), uses permitted with extra requirements (PXR), and Class B Special Use Permits (Sb) within each sub-area. More intense uses are located in the Core sub-area with less intense uses permitted in the Edge sub-area. New auto-oriented uses have been prohibited to promote a more walkable environment.

4. Since Section 94-215, Currie Corridor Mixed-Use District, will contain a separate table regulating the uses permitted within CMUD, revisions to ZLDR Section 94-272, Permitted Use Table, and Section 94-273, Extra Requirements for Special Uses and Permitted Uses, are being made to remove regulations and references specific to CMUD.

The new use table within CMUD will guide the uses permitted within the CMUD district based on the sub-area regulating plan which divides the district into three (3) sub-areas – Core, Transition, and Edge. Any references within the CMUD use table to uses permitted with extra requirements (PXR) or a Class B Special Use Permit (Sb) will continue to utilize the applicable additional standards within Section 94-273.

This text amendment is in compliance with all eight (8) of the Amendment Standards found in Section 94-32 of the City's Zoning and Land Development Regulations (ZLDRs).

At first reading on October 27, 2014, the City Commission directed staff to remove the public open space assessment and public open space fund language from proposed Ordinance No. 4528-14. This change has been incorporated into the Ordinance for second reading.

ORDINANCE NO. 4529-14 – Zoning Map Amendment

The Zoning Map amendment is to rezone certain properties from Currie Corridor Mixed-Use District Building Type I, (CMUD I), Building Type II (CMUD II), and Building Type III (CMUD III) to a single CMUD. The existing zoning is shown in and proposed zoning is shown in. Changes to the City's Comprehensive Plan (Ordinance No. 4521-14) and proposed changes to the City's ZLDRs (PB 1363J) regarding Mixed-Use Districts (MUDs) and the CMUD necessitate a rezoning of the subject property in order to implement the new regulations.

The CMUD is currently divided into three (3) building types that address height and use – Building Type I, Building Type II, and Building Type II. Specific language regarding these building types has been deleted from the Comprehensive Plan and is also in the process of being changed in the ZLDRs. The proposed ZLDR language will incorporate regulating plans for the CMUD dividing the district into three (3) sub-districts – Core, Transition, and Edge. Height will be addressed in the new development regulations through the use of a height regulating plan and standards that will establish the appropriate intensities and transition of intensities within the district while ensuring compatibility with surrounding uses and character. Uses will be addressed through a new use table that is divided into distinct categories for each sub-area within CMUD to ensure appropriate transitions of uses within the district and abutting properties outside the district.

This rezoning request is in compliance with all eight (8) of the Rezoning Standards found in Section 94-32 of the City's Zoning and Land Development Regulations (ZLDRs).

Individual notices were mailed to all property owners within 400 feet of the property, and signs were posted around the boundaries of the subject property. Ordinance Nos. 4528-14 and 4529-14 were advertised in the Palm Beach Post on October 19, 2014. The second reading of Ordinance Nos. 4528-14 and 4529-14 will be advertised in the Palm Beach Post on November 5, 2014.

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

- 20. Public Hearing for Resolution No. 216-14 approving a request by Alex Gonzalez on behalf of All Aboard Florida Operations, LLC for vacating and abandoning a portion of the alley between Datura Street and Evernia Street immediately west of the FEC right-of-way to allow space for the construction of the All Aboard Florida station.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, VACATING AND ABANDONING AN APPROXIMATELY 756 SQUARE FEET ALLEY RIGHT-OF-WAY LOCATED BETWEEN DATURA STREET AND EVERNIA STREET AND IMMEDIATELY WEST OF THE FEC RIGHT-OF-WAY; AUTHORIZING EXECUTION OF A DISCLAIMER OF INTEREST IN THE AFORESAID ALLEY RIGHT-OF-WAY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

[Agenda Cover Memorandum No.: 20040](#)

Staff Recommended Motion:

Approve Resolution No. 216-14.

Background:

The All Aboard Florida (AAF) Passenger Rail Project is a private initiative that will transport passengers between Miami and Orlando, with stops in Fort Lauderdale and West Palm Beach. The West Palm Beach station will be located on the west side of the Florida East Coast (FEC) railway right-of-way, between Evernia Street and Datura Street, with its main entrance located towards Evernia Street. The station is approximately 30,000 square feet in size, including the platform. The main access level is from a new access road immediately west of the FEC ROW, and the passenger waiting area is located above the platform within the FEC ROW.

Due to the proposed location of the train station, the applicant, All Aboard Florida Operations, LLC is requesting the City abandon a 54 feet portion of the alley located between Evernia Street and Datura Street, immediately west of the FEC right-of-way.

The subject alley is currently a dead-end alley. The current condition of the alley indicates it is not presently used as access road or service road for any of the adjacent properties. The applicant owns the two properties immediately adjacent to the alley on the north and the south. The two existing buildings on the adjacent properties will be demolished to provide space for the construction of the new train station and the access road. Considering the proposed AAF train station will create a new north-south access road west of the FEC ROW, it is staff's professional opinion that it is in the best interest of the City to abandon the subject 54 feet portion of the alley to provide sufficient space for the construction of the train station. The portion of the alley to the west of the subject abandonment will remain open as a public right-of-way.

An appraisal for the 54 foot portion of the alley was prepared by Anderson & Carr, Inc., and submitted to the City on August 8, 2014. According to the appraisal report, the 756 square feet alley has a market value of \$50,000. The applicant has agreed to pay the City the appraised value.

The request for abandonment was reviewed by the Downtown Action Committee on September 10, 2014, and the Board recommended approval 7-0. At the meeting several Board members emphasized the importance of creating an efficient east-west connection.

The request complies with all abandonment criteria as established in Section 78-217 of the City Code.

Fiscal Note:

\$50,000 will be received as payment for the alley.

OTHER BUSINESS:

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.