



**City of West Palm Beach  
City Commission**

**DRAFT  
AGENDA**

**November 12, 2013  
4:00 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 KEITH JAMES**

**COMMISSIONER KIMBERLY MITCHELL**

**COMMISSIONER ISAAC ROBINSON, JR.**

**COMMISSIONER SYLVIA MOFFETT**

**COMMISSIONER SHANON MATERIO**

**ADMINISTRATION**

**INTERIM CITY ADMINISTRATOR DORRITT MILLER**

**CITY ATTORNEY CLAUDIA M. MCKENNA**

**CITY CLERK – HAZELINE F. 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. Proclamation declaring November 16-24, 2013 as Hunger and Homelessness Awareness Week. The proclamation will be accepted by Marilyn Munoz, Executive Director of the Homeless Coalition.  
[Agenda Cover Memorandum No.: 19631](#)

**ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA:**

**RECEIVED / FILED:**

**CONSENT CALENDAR (2 – 11):**

2. **Minutes of the Regular City Commission Meeting of October 15, 2013.**  
[Agenda Cover Memorandum No.: 19632](#)

**Staff Recommended Motion:**

Approve the Minutes of the Regular City Commission Meeting held on October 15, 2013.

3. **Minutes of the Special City Commission Meeting of October 28, 2013.**  
[Agenda Cover Memorandum No.: 19635](#)

**Staff Recommended Motion:**

Approval of the Minutes of the Special City Commission Meeting held on October 28, 2013.

4. **Resolution No. 308-13 authorizing a Sponsorship Agreement between the City of West Palm Beach and Palm Beach Opera, Inc., for the Opera at the Waterfront on December 14, 2013.**

**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 PALM BEACH OPERA, INC PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 19633](#)**

**Staff Recommended Motion:**

Approve Resolution No. 308-13.

**Background:**

Palm Beach Opera, Inc. will host the first ever free Opera at the Waterfront on Saturday, December 14, 2013 from 2:00 p.m. to 4:00 p.m. at the Meyer Amphitheatre. The City will receive certain sponsorship benefits in exchange for waiving the event permit fee valued at \$500.00, Community Event Staff fee with an estimated value of \$140.00, dumpster fees with an estimated value of \$144.00 and the parking meters fees with an estimated value of \$1,500.00. Palm Beach Opera, Inc. will provide the City a sponsorship valued at \$6,200. Benefits to include sponsor mention in all radio spots, press releases and collateral and (12) twelve tickets to the VIP area. Prior to the event, Palm Beach Opera, Inc. will pay the City of West Palm Beach a \$500 refundable Special Event security deposit. Palm Beach Opera, Inc. will provide the City with \$1 million general liability insurance policy naming the City as additionally insured.

5. **Resolution No. 307-13 authorizing the assessment of city liens in the total amount of \$66,948.66 for unpaid water service, sewer service and storm water service charges for the month of April 2013.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING AN ASSESSMENT OF CITY LIENS FOR UNPAID WATER SERVICE, SEWER SERVICE, AND STORMWATER SERVICE; PROVIDING THAT SAID LIENS SHALL BE PRIOR IN DIGNITY TO ALL OTHER LIENS AGAINST THE ASSESSED PROPERTIES, SAVE AND EXCEPT A LIEN FOR TAXES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 19621](#)**

**Staff Recommended Motion:**

Approve Resolution No. 307-13.

**Background:**

In accordance with the Code of Ordinances of the City of West Palm Beach, Florida, 2003, Sections 90-4 and 90-5, the City imposes liens on private real property for

delinquent payments due for utility services. The liens to be assessed by Resolution No. 307-13 are for unpaid water, sewer and stormwater service charges for the month of April 2013. The list of properties to be assessed and the associated charges totaling \$66,948.66 are attached to Resolution No. 307-13 as Exhibit A - Liens for Water, Sewer and Stormwater Service April 2013. If not paid, these liens may be foreclosed by the City.

**Fiscal Note:**

No fiscal impact.

**6. Resolution No. 312-13 conditionally waiving code enforcement liens encumbering 720 55th Street.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, CONDITIONALLY WAIVING CITY LIENS; AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A RELEASE OF CODE ENFORCEMENT LIENS ENCUMBERING CERTAIN REAL PROPERTY AT 720 55TH STREET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 19641](#)**

**Staff Recommended Motion:**

Approve Resolution No. 312-13.

**Background:**

The subject property is located at 720 55th Street (the "Property") and is a single family home. The Property has been vacant for several years and constitutes a blight to the community.

Beginning in August 2011, the Code Enforcement Special Magistrate imposed a code enforcement lien against the Property for violations committed by the current owners, Lisa A. Evans and Edward Evans (the "Owners"). The Property is currently in foreclosure status. 720 55th St. Southern Land Trust (the "Purchaser") has been working with the bank to purchase the property through a short sale. The Purchaser wishes to rehabilitate the existing structure and resell it to an owner occupant and not to rent the property. A list of repairs to be made within 120 days is attached below.

The Owners and the Purchaser are requesting a waiver of the code enforcement liens conditioned upon the timely rehabilitation of the existing structure. In addition, all resolution liens, ad valorem taxes and non-ad valorem assessments, and a reduced administrative fine in the amount of \$1,000.00 must be paid to the City. Resolution No. 312-13 authorizes the conditional waiver of the code enforcement liens imposed against the Property.

**7. Resolution No. 309-13(F) amending the Fiscal Year 2013/2014 Miscellaneous Trust Fund Budget to appropriate funds from the State Law Enforcement Forfeiture**

**Receipts in the amount of \$13,777.10 for equipment, training and related travel expenses.**

**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 2013/2014 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 STATE LAW ENFORCEMENT FORFEITURE RECEIPTS FOR THE PURCHASE OF A CURRENCY DETECTION DOG AND ASSOCIATED TRAVEL FOR TRAINING; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 19637](#)**

**Staff Recommended Motion:**

Approve Resolution No. 309-13(F).

**Background:**

The State Law Enforcement Trust Fund expenditure of \$13,777.10 which the Chief of Police certifies to be in compliance with Section 932.7055(4) and (5), Florida Statutes, is for the following law enforcement purpose:

The primary goal of the Currency K-9 Unit is to enhance the Police Department's Interdiction Unit. The objective is to provide quality law enforcement service to the community. Police Currency K-9's are a valuable tool in accomplishing law enforcement objectives of searches and seizures of potential currency that is known to be part of illegal narcotic proceeds or transactions.

Currency K-9's can also be utilized for search and seizure of evidence when all legal requirements for such searches and seizures have been met.

Funds will be used to purchase the Police Currency K-9 dog, and to train the dog and handler (\$10,000.00) and pay for associated travel/transport expenses (\$3,777.10).

**8. Resolution No. 310-13(F) amending the Fiscal Year 2013/2014 General Fund budget to amend the full time equivalent Personnel Detail for the Police Department**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE GENERAL FUND BUDGET TO AMEND FULL TIME EQUIVALENT (F.T.E.) PERSONNEL DETAIL FOR THE POLICE DEPARTMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 19638](#)**

**Staff Recommended Motion:**

Approved Resolution No. 310-13(F)

**Background:**

Resolution No. 310-13(F) amends the Personnel Detail of the Police Department within the General Fund budget to add the position of Telecommunicator Manager.

The Chief of Police has determined that in order to increase the effectiveness and efficiency of the dispatch operation's center a full time manager position is needed. The knowledge, skills and abilities to manage a dispatch center have continuously evolved and require a high degree of technical expertise. This manager position is needed to ensure compliance with federal/state statutes, adherence to accepted training standards and to enhance service delivery. This position will provide more accountability and consistency throughout the center and help protect the City from potential liability issues in this critical area.

**Fiscal Note:**

The Police Department general fund budget provides for 45 Emergency Communications Personnel and an Assistant Manager. Of the 46 positions, 13 vacancies remain unfilled since the beginning of FY 2014. The estimated value of the vacancies for the first quarter of FY 2014 is \$100,884.00. This is sufficient to support funding of the Dispatch Manager position requested.

In FY 2015, this change will result in an additional \$94,703 that will need to be budgeted in the Police Department.

9. **Resolution No. 316-13 granting a revocable permit and license for a City alley adjacent to 2300 Witt Street.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THAT REVOCABLE PERMIT AND LICENSE FOR A CITY ALLEY ADJACENT TO 2300 WITT STREET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 19634](#)**

**Staff Recommended Motion:**

Approve Resolution No. 316-13.

**Background:**

The owners of 2300 Witt Street, Theomar Ltd., currently have a 20 feet alley adjacent to two sides of their property. As part of some proposed improvements, the applicant would like to fence in the adjoining alley which is only partially paved. Approval of Resolution No. 316-13 would authorize execution of a Revocable License and Permit to Theomar for the purpose of construction of the fence. The license is revocable by the City upon thirty (30) days notice. Theomar will pay a permit fee of \$1,430.00.

- 10. Resolution No. 315-13 authorizing the Mayor to execute a locally funded agreement with the State of Florida Department of Transportation, to provide funding towards the Downtown West Palm Beach Transportation Management Initiative.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A LOCALLY FUNDED AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, TO PROVIDE FUNDING TOWARDS THE DOWNTOWN WEST PALM BEACH TRANSPORTATION MANAGEMENT INITIATIVE THROUGH SEPTEMBER 30, 2014; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**  
**[Agenda Cover Memorandum No.: 19639](#)**

**Staff Recommended Motion:**

Approve Resolution No. 315-13.

**Background:**

Resolution No. 315-13 authorizes the Mayor to execute a locally funded agreement with the Florida Department of Transportation (FDOT) to continue FDOT's participation and funding toward the Transportation Management Initiative through Fiscal Year 2013-2014. The City will pay FDOT the sum of Thirty Five Thousand (\$35,000.00) for its services. FDOT's share under this agreement is \$15,000.00, for a total cost of \$50,000.00.

As part of the Transportation Concurrency Exception Area (TCEA) adopted by the City in 1997 and Palm Beach County, and included in their respective Comprehensive Plan's Transportation Elements, the City of West Palm Beach was required to implement a series of programs and strategies in order to address congestion within the downtown. In January 2002, a meeting of downtown West Palm Beach stakeholders was held to discuss solutions to traffic congestion. City leaders, County leaders, representatives of the Florida Department of Transportation (FDOT) and the Downtown business community reached clear consensus that one effective solution to traffic would be to establish a Downtown West Palm Beach Transportation Management Initiative (TMI). The City of West Palm Beach and the FDOT have periodically executed joint participation agreements to fund the TMI. The TMI is a public/private initiative that provides transportation assistance to employers, commuters, residents, and the Downtown business community. In addition, it serves as a forum for coordinating public and private efforts relating to transportation issues. The purpose of the TMI is to address downtown West Palm Beach traffic congestion and parking demand by encouraging and promoting alternatives to single occupancy vehicles in the downtown.

South Florida Commuter Services (SFCS), the regional commuter assistance program of FDOT, was contracted to operate the TMI. In June 2002, a full time Program Coordinator was hired and the TMI started operations. Since that time, and on an annual basis, the City and the FDOT have extended this agreement in which the City agrees to pay its annual share towards the project's cost in order to fulfill the TCEA requirements and to promote alternative modes of transportation in the City.

In total, for FY 2013-2014, the City will contribute the sum of Thirty Five Thousand (\$35,000.00) towards this agreement, which is the same amount the City has contributed for the last few years, while FDOT's share under this agreement is \$15,000.00, for a grand total of \$50,000.00. These amounts will fund approximately 20 hours per week of SFCS staff dedicated to West Palm Beach TMI functions, with the rest of their time being dedicated to Countywide TMI tasks.

Pursuant to the Agreement, the City agrees to utilize the Federal government e-Verify system to verify the employment of new employees.

**Fiscal Note:**

The \$35,000 will come from the FY 2013-14 General Fund for Planning under Account No. 001-033220-515-500340.

**11. Resolution No. 326-13(F) appropriating \$2,118,000 for the Water, Sewer and Stormwater portion of the Olive Avenue Project - Belvedere to Southern.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OF TRANSFER OF CITY FUNDS IN FISCAL YEAR 2013/2014 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE WATER AND SEWER RENEWAL & REPLACEMENT FUND AND THE STORMWATER RENEWAL & REPLACEMENT FUND BUDGETS TO PROVIDE FUNDING FOR THE OLIVE AVENUE PROJECT - BELVEDERE TO SOUTHERN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 19643](#)**

**Staff Recommended Motion:**

Approve Resolution No. 326-13(F).

**Background:**

As part of the modified roadway transfer agreement with the Florida Department of Transportation (FDOT) that was signed in September 2010 and which transferred, among other roads, Olive Avenue from Southern Boulevard to Belvedere Road to the City, the City will be completing pavement resurfacing and drainage maintenance and/or upgrades within the Olive Avenue right-of-way. Included with this project will be upgrades to the water and sewer utilities on Olive Avenue and on Belvedere Road between Dixie Highway and Olive Avenue. This project will also include, on Belvedere Road, a curbed median near Olive Avenue and a curbed bulbout near the southeast corner of Dixie Highway and Belvedere Road.

The total project cost is \$2,615,000. A portion of the cost of this work, \$497,000, will be paid from funds received from FDOT pursuant to the modified roadway transfer

agreement. The remaining estimated cost of the project, \$2,118,000 will be funded out of the utility reserve funds.

**Fiscal Note:**

Funds for this appropriation will come from the Reserve for Future Projects Account in each fund. After this appropriation the Water & Sewer R&R Fund will have a balance in that account of approximately \$2,680,000.00 and the Stormwater Fund will have approximately \$1,300,000.00.

**COMMENTS BY THE CITY COMMISSIONERS:**

**RESOLUTION (12 – 13):**

**12. Resolution No. 290-13 establishing a Comprehensive Fee Schedule for the City.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ESTABLISHING A COMPREHENSIVE FEE SCHEDULE; AMENDING CERTAIN EXISTING FEES AND ESTABLISHING NEW FEES FOR VARIOUS DEPARTMENTS; AMENDING CERTAIN EXISTING FEE RESOLUTIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**Agenda Cover Memorandum No.: 19642**

**Staff Recommended Motion:**

Approve Resolution No. 290-13.

**Background:**

Background:

The Finance Department in conjunction with Department Directors and Division managers throughout the City has developed a proposed Comprehensive Fee Schedule.

The rationale behind creating a comprehensive fee schedule is as follows:

1. Efficiency – Currently each line of business within the City reviews and updates their fees at different intervals throughout the year. In many cases, fees are not reviewed annually, resulting in lower revenue when compared with rising costs. Additionally, staff is spending time reviewing the fees, then, creating an agenda cover memo and resolution for presentation to the City Commission, which potentially could be hearing and voting on 15 different occasions. While staff will still be reviewing the fees, it is our intention and our vision, to make that review part of the annual budget process, and to bring one resolution to the City Commission for approval and adoption, thereby freeing up valuable time for all involved.

2. Transparency - Once approved by the City Commission, the fee schedule will be posted on the City's website, and Citizens, Businesses and Visitors can be directed

accordingly, thus ensuring that there is never a question of being overcharged for any service that the City provides.

3. Consistency – The comprehensive and published fee schedule will provide a level of consistency in the fees being charged to our customers. As an example, returned check fees charged by Parks and Recreation to their customer should be the same as those charged to a Utility customer or a Parking customer.

4. Revenue Assurance/Enhancement – With the advent of the comprehensive fee schedule, the City can be assured that it is capturing all of the revenue for the services we provide. New and transferring employees will have a document or guide to refer to when working with customers and providing and scheduling services for those customers.

While we cannot quantify the increase in revenue resulting from implementing a fee schedule because most of the fees are predicated on use, we can point to some examples where not only will the City be saving money, as a result of covering our expenses for services, but potentially we can make money on those services.

An example to point to would be HazMat service provided by the Fire Department. A quick analysis of a HazMat call tells us that the City could spend anywhere between \$10-15k on a hazardous materials call. That expense includes the cost of running the truck, staff and chemicals used to fight the fire. The City has trained specialists, special equipment and is one of four municipalities in Palm Beach County that has a HazMat Team. Pursuant to the City's Interlocal Agreement with the County, we have the ability to charge customers for HazMat calls however, generally we have not been doing so, thereby absorbing all of those expenses. We have added a \$150 per hour fee along with a pass through fee for chemicals/materials used during our mitigation effort.

A second example would be, convenience fees for credit cards. Currently, we process approximately 30,000 credit card transactions per month. Our monthly service charges and interchange fees cost the City approximately \$27,000 per month. Interpolated over 1 year, we process 360,000 credit card transactions at a cost of \$324,000.

By adding a \$3.00 convenience fee, the potential revenue based on our historical data would be \$1,080,000 and would more than offset the \$324,000 expense, lending itself to potentially \$750,000 in increased revenue.

Following is a list of the changes, which have been made to each line of business existing fee schedule:

Building – Resolution No. 367-09

Added – Minimum permit fee for work valued at \$1,000 or less \$75/permit

Added – Minimum permit fee for work valued between \$1,001 and \$2,500  
\$100/permit

Chronic Nuisance - Resolution No. 172-11  
No changes

City Clerk – Resolution  
Added – 10% added to the purchase of each cemetery lot for perpetual care

Engineering – Resolution No. 395-07  
No changes

Financial Services – Resolution No. 327-10 et al  
Added – Returned check charges in accordance with Florida Statute 166.251  
Added – Credit Card Convenience Fee \$3 per transaction

Fire Inspections / Fire Service – Resolution No. 360-05 and Resolution No. 93-04  
Added – When used for Special Events  
Ladder Trucks \$75/hr  
Fire Engine \$50/hr  
Rescue Unit \$40/hr  
Marine Unit \$40/hr  
Mini Rescue \$20/hr  
Added - Hazardous Materials Call - \$150/hr plus reimbursement of the cost of chemicals used for mitigation

Industrial Pre-Treatment and Sewer – Resolution No. 270-13  
No changes

Library – Ordinance Sec 50-3 and 50-4  
Added – Late fees for all materials \$0.10 per day with a maximum of \$5.00  
Added - Lost or damaged fees are list price plus \$5.00  
Reductions of late fees for DVDs to .10/day with a maximum of \$5.00

Parks and Recreation – Resolution No. 303-11  
The Parks and Recreation Advisory Committee ("PRAC") met on October 8, 2013 to review and discuss the proposed fee changes. Parks and Recreation staff presented justification for the fee increases as follows:  
FitKids - increased from \$20 to \$25 due to rising costs. The fee has been the same for no less than 6 years.  
Tennis Lessons/Permits - Contractually the City does not control the fees charges as the fee is passed through 100% to the tennis pro, and that contract is being renegotiated this year.  
Summer Swim Lessons - increased fees for 6 classes from \$20 to \$25 most of which is paid for by the Drowning Prevention Coalition  
Basketball Courts - are being brought in line with all other sport court/fields  
Team Sports for Adults - are being brought in line with other facilities  
Center Fee Rental - these increases are for rental of the entire center

Camps (FOOSA) - Fees proposed are an increase of \$1.25 per day, from \$300 for a four week session to \$325. These fees have not increased in over 6 years. Fees for activities and supplies have increased, including the cost of fuel for field trips. Fee assistance is available through PBC Summer Scholarships and Family Central Funding. Many of the campers avail themselves of these assistance programs.

PRAC unanimously approved the fee increases at the meeting on October 8, 2013.

See Attached for a comprehensive list of parks and recreation fees which have changed.

**Parking – Resolution No. 24-13**

Eliminated M-F rate of \$65/month

Increased residential rate from \$25 to \$40/month, however maintained \$25 residential rate for residents of Noreen McKeen and St. James Assisted Living facilities

Increased expired meter rate from \$17 to \$25/violation

**Planning and Zoning – Resolution No. 434-10**

Added – Business Tax Receipt Inspection \$50/inspection

Added – Engineering Zoning Review Multi Family \$90/inspection

Added – Engineering Zoning Review Comm/Ind \$150/inspection

**Police Services – Resolution**

No Changes

**Sanitation – Resolution**

Added – Special Events Tipping Charges between \$42-\$66 depending upon dumpster size and time of day of collection.

Added - Recycling Charges of .50 cents per month to single family, multi family and commercial. This is a pass through charge from SWA

**Special Events – Resolution**

Increased – Permit Fees for Downtown Business Promotions from \$100 to \$500

Decreased – Lake Pavilion Staff Time Fees for Non Resident from \$50 to \$35

Increased – Lake Pavilion Security Deposit for all from \$350 to \$500

Added – 4th on Flagler Miscellaneous Vendor \$250

Added – Fountain Color Change Fee \$700

**Utilities – Resolution No. 166-08**

Added – Returned Check fee pursuant to FS 166-251

Added – Credit Card Convenience Fee \$3.00

Added Meter Tampering Charge by 1st, 2nd or 3rd offense (250/500/1,000)

Added Service Disconnect/Reconnect \$1,000

Staff has reviewed the fee schedules for similar services in the surrounding communities, including Boca Raton, Palm Beach Gardens and Palm Beach County and believes that the fee schedule as presented is representative of the City's cost for providing services.

**Fiscal Note:**

Estimated revenue increase is \$350,000 to the City

13. **Resolution No. 299-13 authorizing an Agreement for the Use, Operation and Management of the Howard Park Tennis Center with Michael Boone; Resolution No. 317-13 authorizing an Agreement for the Use, Operation and Management of the South Olive Park Tennis Center with Skip Jackson Tennis, Inc.; and Resolution No. 318-13 authorizing an Agreement for the Use, Operation and Management of the Jimmy "Doc" Horne Tennis Center in Gaines Park with Tennis for a Better Life, Inc.**

**RESOLUTION NO. 299-13: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND MICHAEL BOONE FOR THE USE, OPERATION AND MANAGEMENT OF THE HOWARD PARK TENNIS CENTER; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**RESOLUTION NO. 317-13: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND SKIP JACKSON TENNIS, INC. FOR THE USE, OPERATION AND MANAGEMENT OF THE SOUTH OLIVE PARK TENNIS CENTER; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**RESOLUTION NO. 318-13: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND TENNIS FOR A BETTER LIFE, INC. FOR THE USE, OPERATION AND MANAGEMENT OF THE JIMMY "DOC" HORNE TENNIS CENTER IN GAINES PARK; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 19636](#)**

**Staff Recommended Motion:**

Approve Resolution No. 299-13, Resolution No. 317-13 and Resolution No. 318-13.

**Background:**

The Parks and Recreation Department is in the process of evaluating how to best provide tennis services at the City's three tennis centers. During this evaluation processes the Department is recommending that the City enter into three agreements. Each agreement will be for one year with a one year renewal. The agreements will be for the Howard Park

Tennis Center, the South Olive Park Tennis Center and the Jimmie "Doc" Horne Tennis Center in Gaines Park.

The Howard Park Tennis Center has clay courts which were built back in the 1950s. These courts require special maintenance at a minimum of twice a day. The City desires to continue to compensate the tennis professional at Howard Park \$19,200/year or \$1,600/month for daily court (7 days a week) maintenance, repairs, yearly stripping, materials and supplies. Having the tennis professional and his staff perform the on-going maintenance of the courts and the surround facility saves the City considerable money. If the City performed the daily court and facility maintenance it would cost in staff alone \$38,308/year or \$3,192/month, not including benefits, supplies and equipment.

Gaines Park and South Olive Park are hard court facilities and do not require daily court maintenance.

All three tennis professionals will pay a monthly fee to the City for use of the tennis centers. Contractually they will be required to report all income derived from clinics, lessons, league play, special events and tournaments, and to report all expenses applicable to the operation and upkeep of the centers.

**Fiscal Note:**

Approval will provide the Howard Park Tennis Center maintenance of the courts to be performed by the Tennis Professional. If services were performed in-house it would cost the City \$38,308 for staff and an additional \$5,000 to \$10,000 for equipment upkeep and supplies.

**PUBLIC HEARING (14 – 15):**

- 14. Public Hearing and First Reading of Ordinance No. 4497-13 amending the Downtown Master Plan Article IV, Section 94-133(h) to extend the deadline for commencement of construction for projects utilizing the Clematis Waterfront District Conservation District boutique hotel incentive.**

**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), SECTION 94-133(H) (CLEMATIS WATERFRONT DISTRICT CONSERVATION DISTRICT BOUTIQUE HOTEL INCENTIVE) TO MODIFY THE DEADLINE FOR COMMENCEMENT OF CONSTRUCTION FOR PROJECTS UTILIZING THE CLEMATIS WATERFRONT DISTRICT CONSERVATION DISTRICT BOUTIQUE HOTEL INCENTIVE; 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.: 19601](#)**

**Staff Recommended Motion:**

APPROVE Ordinance No. 4497-13. This motion is based upon the application submitted, the staff report, factual testimony, the recommendations of the Downtown Action Committee and the Planning Board, and the findings that the request complies with the Comprehensive Plan and the amendment standards found in Section 94-32 of the Zoning and Land Development Regulations.

**Background:**

On January 24, 2011, the City Commission adopted Ordinance No. 4315-11 implementing the Clematis Waterfront District Conservation District Boutique Hotel Incentive. The intent of the incentive was to accommodate the development of boutique hotels on specific vacant sites along Clematis Street. The incentive allowed additional development capacity and height, increasing the Floor Area Ratio (FAR) of the eligible sites from 3.5 to 6.5 and its height from five stories to ten stories. Due to its specific goal, the incentive was created as a limited duration incentive, requiring any potential project to comply with the following datelines:

1. Submit a complete application for a Formal Site Plan approval before December 31, 2011.
2. Obtain a site plan approval before December 31, 2012.
3. Commence construction before December 31, 2013.

The Clematis Waterfront District Conservation District Boutique Hotel Incentive was created in response to the proposal by Clematis Street Ventures, LLC, owner of the 335 Clematis Street property, to construct a boutique hotel. At the time of the approval of the incentive, it was clear the intention was to incentivize the construction of a hotel along Clematis Street as soon as possible, therefore the incentive was created with specific deadlines, and as a limited duration incentive.

Only one project took advantage of the Boutique hotel incentive. The Clematis Hotel, located at the north east corner of Clematis Street and Dixie Highway (335 Clematis Street), submitted an application for site plan and obtained the corresponding site plan approval on December 12, 2012, before the required deadline specified by the incentive program. According to the incentive program, the Clematis Hotel project is required to commence construction before December 31, 2013, or its site plan will expire.

The proposed Clematis Hotel is a 96-room boutique hotel, with 3,804 square feet of retail along Clematis Street, and a restaurant with a terrace overlooking Clematis Street. The developer of the Clematis Hotel, Clematis Street Ventures, LLC, submitted an application requesting an amendment to Section 94-133(h) of the Zoning and Land Development Regulations to extend the time limitations for commencement of construction for projects

participating in the Clematis Waterfront District Conservation District Boutique Hotel Incentive from December 31, 2013 to June 30, 2015.

The property owner of 335 Clematis Street, Clematis Street Ventures, LLC has fulfilled the expectations of the incentive program, obtaining a site plan approval of a very well detailed hotel project, which will enhance the historic character of Clematis Street. The applicant is requesting additional time to finalize the construction documents for the hotel, and commence construction. However, it is staff's professional opinion, the nature of the delays do not justify a simple extension of 18 months from the December 31, 2013 deadline. Staff recommends including an additional interim deadline, and requiring the applicant to submit the project for building permit by June 30, 2014, and commence construction before June 30, 2015. It is staff's professional opinion the deadline extension will provide the applicant with sufficient time to finalize the construction documents for the project, submit for building permit and start construction. Staff desires to encourage forward movement on this project and desires to see the project commence as quickly as possible; nevertheless, the quality of the proposed project provides an incentive to accommodate the request.

The Downtown Action Committee reviewed the amendment request during its July 10, 2013 meeting, and recommended approval 5-0. The Planning Board reviewed the amendment request during its August 20, 2013 meeting, and recommended approval 7-0.

If approved on First Reading, a Second Reading will be scheduled for October 28, 2013.

This project is in Commission District No. 3 - Commissioner Kimberly Mitchell.

**15. Public Hearing and First Reading of Ordinance No. 4492-13 Amending Chapter 94, Article X, of the City's Code of Ordinances providing for revised regulations for the construction of docks.**

**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 X (SUPPLEMENTAL DISTRICT REGULATIONS), TO REMOVE SECTION 94-304(e) AND CREATE SECTION 94-314 PROVIDING REVISED REGULATIONS FOR THE CONSTRUCTION OF DOCKS; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 19602](#)**

**Staff Recommended Motion:**

**STAFF IS REQUESTING THAT THIS ITEM BE CONTINUED TO THE DECEMBER 7, 2013 CITY COMMISSION MEETING.**

**Background:**

**STAFF POSITION:**

The Development Services Department - Planning Division finds that the proposed amendment to the City's Zoning and Land Development Regulations 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 this request to the City Commission after a Public Hearing on August 20, 2013.

**PROPOSAL and ANALYSIS:**

One of the inherent benefits with living in the State of Florida, especially in coastal communities like the City of West Palm Beach, is the abundance of waterfront and amenities that waterways can provide. The ability to own waterfront property makes these inherent benefits and amenities personal, and brings with it certain property rights that may not otherwise be applicable to inland property and the general public. While someone may own a piece of upland property, and not actually own the land covered by water adjacent to it, the Supreme Court of Florida has held that landowners in these circumstances also have certain common and specific rights, referred to as riparian rights. Over the years case law has been developing to further clarify what these riparian rights mean, including the fact that they may only be regulated to serve a specific legitimate public purpose (i.e. protect the public health, safety or welfare).

Currently, Section 94-304(e) of the City's Zoning and Land Development Regulations (ZLDRs) provides all regulations pertaining to the construction of docks within the City's limits. It is staff's request that these regulations be amended, as proposed in Ordinance No. 4492-13 to reflect the developing case law. Staff is recommending that the provisions regarding docks be moved from Section 94-304, which addressed accessory structures, and that Section 94-314 be created to specifically regulate docks. This is being done as docks should be addressed in their own right and not only as an accessory structure.

Currently, the ZLDRs are restrictive as to where docks can and cannot be constructed and provide that they can only be accessory to a residential property; commercial properties, regardless of whether or not a owner has riparian rights, currently are not permitted the construction of a dock. The code amendment proposed will grant all property owners possessing riparian rights, regardless of their location or zoning district, a process by which to request a dock and that the regulations focus strictly on the location, construction, safety and protection of the natural environment. The only areas where docks will be specifically excluded within the proposed regulations [Section 94-314(a)(1)] is the waterfront adjacent to Currie Park, as well as that located between the Flagler Memorial Bridge and the Royal Park Bridge. Currie Park is owned by the City, and the portion of the Downtown located between the two bridges consists almost

entirely of City property and/or the City's Waterfront and public docks. These areas of the waterfront are part of the City's working waterfront, provide access to the waterfront to the general public and should remain open to the general public.

The dock regulations will allow construction of a dock for the personal use of the property owner. The proposed regulations prohibit use of a dock for commercial purposes and will prohibit owners from running commercial ventures from their dock, or leasing their dock out for purposes other than their own personal use. Commercial dock uses will continue to be regulated under the commercial marina provisions of the code.

The other primary change that is included within the proposed regulations is regarding process. Previously, the ZLDRs provided a different process for those property owners possessing contiguous riparian rights and those who possess non-contiguous riparian rights. This focused primarily on South Flagler Drive where a large number of property owners actually have riparian rights that are separated from their upland property by the Flagler Drive right-of-way. Previously, these owners, even if they met all of the Additional Standards required by the Code, were required to request a Class A Special Use Permit and approval from the City Commission in a public forum. A Class A Special Use Permit was also required of anyone requesting waivers from the Additional Standards. The special use process can sometimes be lengthy, costly, and burdensome. The proposed new dock regulations provide that all proposed docks, so long as they meet all of the standards provided in Section 94-314(3) and (4) of the revised regulations (regarding length, width, number of slips, boatlifts, lighting, safety, environment, etc.), be allowed to proceed directly to a building permit. Any property owner requesting waivers from the standards will still be required to obtain the Class A Special Use Permit. This will provide a much more streamlined process for those docks that are fully complying with the provisions of the code.

The standard regulating docks for safety, environmental and building code purposes, are proposed to primarily stay as previously written within the ZLDRs, which the following modifications and additions:

- Width – Previously, the ZLDRs provided that lots greater than 60 feet in width could construct a dock up to 20 feet in width. Staff is recommending that all docks be limited to ten (10) feet in width. Finger piers and terminal platforms, while factored into the length of the dock, would be allowed to exceed the width provided that they remain within the middle one-third (1/3) of the lot and do not exceed ten (10) feet in depth.
- Ladder – For safety reason, the revised dock regulations will require new docks to provide a ladder extending to below the mean low waterline, providing a means of egress to anyone who accidentally falls into the water near the dock. Many other jurisdictions also have this requirement.
- Gas – The revised dock regulations will prohibit gasoline storage on docks. This too is being recommended as a means of safety and to ensure that the storage and

pumping of gasoline is limited to commercial marinas that are property equipped and regulated to provide such a service.

- Street address – The revised dock regulations require address numbers be placed on the dock so that emergency responders can locate the dock and/or the upland property more quickly in event of an emergency. Many other jurisdictions also have this requirement.
- Dolphins – For public safety, the revised dock regulations require that all dolphins have a reflectorized band on them. As dolphins are not part of the larger dock structure and are often isolated further into the waterway, they can be difficult to see by boaters, especially at night. This is a common provision in the dock regulations of other jurisdictions.

## CONCLUSION

The proposed amendment to the ZLDRs will keep the City's dock regulations compliant with the law, streamline the process for owners meeting all of the standards, and will help increase safety.

It is Staff's professional opinion that the proposed amendment complies with the standards required by the Zoning and Land Development Regulations.

The proposed amendment will amend the City's Zoning and Land Development Regulations, and therefore, apply City-wide. However, as the regulations pertain to properties with riparian property rights, only those properties within Commission District No. 1 (Commissioner Sylvia Moffett), Commission District No. 3 (Commissioner Kimberly Mitchell) and Commission District No. 5 (Commissioner Shanon Materio) would be affected.

### **Fiscal Note:**

No fiscal impact.

## **PUBLIC HEARING - QUASI-JUDICIAL (16 – 18):**

### **DISCLOSURE OF EX-PARTE COMMUNICATIONS, IF ANY\***

### **-SWEARING IN OF WITNESSES:**

- 16. Public Hearing and Second Reading of Ordinance No. 4489-13: A request by Douglas Murray of Land Design South of Florida, Inc., on behalf of Hanley Center, Inc., for a Rezoning of approximately 10.6 acres from Community Service (CS) to a Community Service Planning Development (CSPD) in order to make modifications and establish a master plan for the Hanley Center located at 5200 East Avenue.**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE ZONING MAP OF THE CITY; ASSIGNING A COMMUNITY SERVICE PLANNED DEVELOPMENT (CSPD)**

**ZONING DESIGNATION TO APPROXIMATELY 10.6 ACRES LOCATED AT 5200 EAST AVENUE; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; ESTABLISHING CONDITIONS AND DEVELOPMENT REGULATIONS; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 19610](#)**

**Staff Recommended Motion:**

Approve Ordinance No. 4489-13 rezoning approximately 10.6 acres located at 5200 East Avenue from Community Service to Community Service Planned Development and establishing a master plan for Hanley Center, with conditions and development regulations. This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and the finding that the standards of the Zoning and Land Development Regulations have been met.

**Background:**

The Planning Division has determined that the Rezoning request complies with all the required standards found in Section 94-32 of the City's Zoning and Land Development Regulations.

Compliance with all the above-referenced standards have been detailed in Attachment 1 – Planning Board Staff Report.

The Planning Board recommended approval (7-0) of this request to the City Commission after a Public Hearing on August 20, 2013.

**ANALYSIS:**

The subject property is approximately 10.6 acres and is located north of 45th Street on the east side of East Avenue directly west of St. Mary's Medical Center at 5200 East Avenue. The site currently has 10 existing buildings totaling 55,565 square feet with 82 beds. The zoning of the property is Community Service (CS) and a Class B Special Use Permit was originally obtained in 1985 for the site. The Class B Special Use Permit was amended in 1989 and again in 1996 as the facility expanded.

The primary function of the site is a detoxification and rehabilitation facility. The applicant, Hanley Center, Inc., is now proposing to modify the master plan for the site to allow for phased expansion. In order to facilitate the expansion and modification of the master site plan, the Hanley Center has submitted an application to rezone the property from Community Service (CS) to Community Service Planned Development (CSPD). The existing Community Service (CS) Future Land Use designation is still compatible with the proposed CSPD zoning designation and no FLU amendment is required. The proposed zoning is compatible with the surrounding zoning districts.

Ordinance No. 4489-13  
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This request will rezone approximately 10.6 acres located at 5200 East Avenue from Community Service (CS) to Community Service Planned Development (CSPD) and establish a new master plan for Hanley Center. Phase I of the master plan includes a 16,988 square foot Wellness Building, 3,450 square foot pool, and corresponding parking, landscaping, and stormwater retention on the eastern portion of the site. Phase II includes construction of a 6,800 square foot meditation chapel/auditorium and new additions on 6 existing buildings totaling 26,000 square feet. In order for the Type V Group Home use to continue on the subject property, a condition has been included in the Ordinance limiting uses on the property to a Type V Group Home, specifically a detoxification and rehabilitation facility, and/or uses permitted by right in the Community Service (CS) Zoning District.

Individual notices were mailed to all property owners within 400 feet of the subject property August 28, 2013 and signs were posted on the property August 2, 2013. The Second Reading of Ordinance No. 4489-13 will be advertised in the Palm Beach Post on October 4, 2013.

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

17. **Public Hearing and Second Reading of Ordinance No. 4490-13 transferring the master plan and conditions relating to the Hillcrest Manor Community Service Planned Development (CSPD), located at 1101 54th Street to a separate resolution.**

**Public Hearing of Resolution No. 258-13: Regarding a request by Douglas Murray of Land Design South of Florida, Inc., on behalf of Hanley Center, Inc., for a Major Amendment to the Hillcrest Manor Community Service Planned Development (CSPD) to make modifications to the site to turn it into Hanley Center Main Admissions Campus.**

**ORDINANCE NO. 4490-13: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING ORDINANCE NO. 4304-10 RELATING TO THE HILLCREST MANOR COMMUNITY SERVICE PLANNED DEVELOPMENT, LOCATED AT 1101 54TH STREET, TO TRANSFER THE SITE PLAN APPROVALS AND RELATED DEVELOPMENT REGULATIONS TO A SEPARATE RESOLUTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**RESOLUTION NO. 258-13: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE HILLCREST MANOR COMMUNITY SERVICE PLANNED DEVELOPMENT, LOCATED AT 1101 54TH STREET TO MAKE MODIFICATIONS TO THE MASTER PLAN AND DEVELOPMENT**

**REGULATIONS TO TURN THE SITE INTO THE HANLEY CENTER MAIN ADMISSION CAMPUS, DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 19611](#)**

**Staff Recommended Motion:**

Approve Ordinance No. 4490-13 transferring the master plan and development regulations relating to Hillcrest Manor Community Service Planned Development to a separate resolution.

Approve Resolution No. 258-13 approving a Major Amendment to the Hillcrest Manor Community Service Planned Development to modify the master plan and development regulations to turn the site into the Hanley Center Main Admissions Campus. This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and the finding that the standards of the Zoning and Land Development Regulations have been met.

**Background:**

Ordinance No. 4490-13 and Resolution No. 258-13: The Planning Division has determined that the Major Amendment request complies with all the required standards found in Section 94-32 of the City's Zoning and Land Development Regulations (ZLDRs).

Compliance with all the above-referenced standards have been detailed in Attachment 1 – Planning Board Staff Report.

The Planning Board recommended approval (7-0) of this request to the City Commission after a Public Hearing on August 20, 2013.

**ANALYSIS:**

The subject property is approximately 4.89 acres and is located just north of St. Mary's Medical Center and west of Greenwood Avenue at the western terminus of 54th Street (1101 54th Street). The property, formerly known as Hillcrest Manor, last operated as a Nursing and Rehabilitation Center until approximately 2005. Around 2009, the property owner, at the time, proposed to reopen the facility as an Assisted Living Facility and obtained a Class B Special Use Permit on July 6, 2009. An application was then made for demolition of a portion of the structure and construction of a new 4,336 square foot addition. In order to facilitate these changes, the applicant opted to rezone the property from Community Services (CS) to Community Services Planned Development (CSPD). While the CSPD zoning was approved November 1, 2010 (Ord. No. 4304-10) to allow for a Type III Group Home (assisted living facility) and new addition, the project was never completed. The property was sold to Hanley Center, Inc. in December 2011 and the entire site was demolished in September 2012 according to building permit records.

The applicant is now proposing to modify the Hillcrest Manor Planned Development approval through the major amendment process in order to turn the property into the Hanley Center Main Admission Campus. The requests for a Type V Group Home use and modification to the master plan for the site have triggered the major amendment process.

Ordinance No. 4490-13  
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With the goal of streamlining the approval process of amendments to planned developments, the Planning Division is implementing a new process to approve Major Amendments. In doing so, the plans, development regulations and waivers approved as part of the planned development will be transferred to a resolution, requiring only one hearing before the City Commission for any future amendments. As such, Ordinance No. 4490-13 will transfer the master plan and development regulations approved as part of the Hillcrest Manor CSPD to Resolution No. 258-13.

Resolution No. 258-13  
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This Resolution approves an amendment to the Hillcrest Manor CSPD creating a new master plan – Hanley Center Main Admissions Campus Planned Development consisting of a 59,728 square foot building (Phase I) and 16,000 square foot building (Phase II). Phase I is proposed to be a detoxification and rehabilitation facility, classified as a Type V Group Home with 60 beds. The original Hillcrest Manor Planned Development approval limited uses to Type III Group Home, specifically an Assisted Living Facility (ALF), and/or uses permitted by right in the Community Service (CS) Zoning District. Resolution No. 258-13 will modify the permitted uses, now limiting uses on the subject property to Type V Group Home, specifically a detoxification and rehabilitation facility, and/or uses permitted by right in the Community Service (CS) Zoning District.

Individual notices were mailed to all property owners within 400 feet of the subject property August 28, 2013 and signs were posted on the property August 2, 2013. The Second Reading of Ordinance No. 4490-13 and the Public Hearing of Resolution No. 258-13 will be advertised in the Palm Beach Post on October 4, 2013.

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

- 18. Public Hearing and Second Reading of Ordinance No. 4494-13: A request to voluntarily annex an 8.96 acre parcel into the city limits of the City of West Palm Beach.**

**Public Hearing and Second Reading of Ordinance No. 4495-13: A request to change the future land use designation of the subject property from a Palm Beach County High Residential-8 (HR-8) designation to a Multi-Family Medium Density Residential (MFMD) designation within the City of West Palm Beach.**

**Public Hearing and Second Reading of Ordinance No. 4496-13: A request to change the zoning designation of the subject property from the Multi-Family Residential District (RM) in the County to the Multi-Family Medium Density (MF-20) zoning district within the City of West Palm Beach with a further rezoning to the Bella Vita Estates Residential Planned Development (RPD).**

**Public Hearing and First Reading of Resolution No. 298-13: A resolution establishing the development regulations and conditions for the Bella Vita Estates Residential Planned Development (RPD), granting waivers of the Zoning and Land Development Regulations.**

**ORDINANCE NO. 4494-13: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, VOLUNTARILY ANNEXING APPROXIMATELY 8.96 ACRES OF LAND LOCATED AT 8230 OKEECHOBEE BOULEVARD; DECLARING THAT THE VOLUNTARY ANNEXATION PETITION BEARS THE SIGNATURE OF THE OWNER OF THE REAL PROPERTY TO BE ANNEXED; DECLARING THAT ALL LEGAL PREREQUISITES AND REQUIREMENTS HAVE BEEN MET; FINDING CONSISTENCY WITH THE COMPREHENSIVE PLAN; DIRECTING THE MAYOR OR HER DESIGNEE TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS ANNEXATION; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**ORDINANCE NO. 4495-13: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY BY AMENDING THE FUTURE LAND USE DESIGNATION FOR THE ANNEXED 8.96 ACRE PARCEL LOCATED AT 8230 OKEECHOBEE BOULEVARD FROM A PALM BEACH COUNTY HIGH RESIDENTIAL-8 (HR-8) FUTURE LAND USE DESIGNATION TO A CITY OF WEST PALM BEACH MULTIFAMILY MEDIUM DENSITY (MFMD) FUTURE LAND USE DESIGNATION; DECLARING THE PROPOSED AMENDMENT TO THE FUTURE LAND USE MAP TO BE CONSISTENT WITH ALL OTHER ELEMENTS OF THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING FOR CERTAIN CONDITIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**ORDINANCE NO. 4496-13: 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 THE ANNEXED 8.96 ACRE PARCEL LOCATED AT 8230 OKEECHOBEE BOULEVARD FROM A PALM BEACH COUNTY MULTI FAMILY RESIDENTIAL DISTRICT (RM) ZONING DESIGNATION TO A CITY OF WEST PALM BEACH MULTIFAMILY MEDIUM DENSITY (MF-20) ZONING DESIGNATION, WITH A FURTHER REZONING TO THE BELLA VITA ESTATES RESIDENTIAL PLANNED DEVELOPMENT (RPD); ESTABLISHING THE SITE AND**

**LANDSCAPE PLANS AND THE DEVELOPMENT REGULATIONS IN A SEPARATE RESOLUTION; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REVISING THE ZONING MAP OF THE CITY ACCORDINGLY; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**RESOLUTION NO. 298-13: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ESTABLISHING THE DEVELOPMENT REGULATIONS AND CONDITIONS FOR THE BELLA VITA ESTATES RESIDENTIAL PLANNED DEVELOPMENT (RPD), LOCATED ON 8230 OKEECHOBEE BOULEVARD; GRANTING WAIVERS OF THE ZONING AND LAND DEVELOPMENT REGULATIONS; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**[Agenda Cover Memorandum No.: 19640](#)**

**Staff Recommended Motion:**

APPROVE Ordinance No. 4494-13 to voluntarily annex an 8.96 acre parcel located at 8230 Okeechobee Boulevard into the City of West Palm Beach. This motion is based upon the application submitted and the staff report, along with the finding that the annexation complies with the provisions of Chapter 171, Florida Statutes.

APPROVE Ordinance No. 4495-13 approving a Future Land Use Map amendment to the City's Comprehensive Plan to change the future land use designation for a parcel located at 8230 Okeechobee Boulevard from a Palm Beach County High Residential-8 (HR-8) designation to a Multifamily Medium Density Residential (MFMD) designation upon annexation of the parcel into the City of West Palm Beach. This motion is based upon the application submitted, the staff report, the recommendation of the Planning Board and the factual testimony, along with the findings that the request is consistent with the Comprehensive Plan of the City and with Chapter 163, Florida Statutes, and the Florida Administrative Code.

APPROVE Ordinance No. 4496-13 approving an amendment to the Zoning Map to include the annexed parcel located at 8230 Okeechobee Boulevard on the City's Zoning Map with a designation of Multi-Family Medium Density (MF-20) zoning, and with a further rezoning to the Bella Vita Estates Residential Planned Development (RPD). This motion is based upon the application submitted, the staff report, the recommendation of the Planning Board and the factual testimony, along with the findings that the amendment is consistent with the Comprehensive Plan and the Zoning and Land Development Regulations of the City and with Chapter 163, Florida Statutes and the Florida Administrative Code.

APPROVE Resolution No. 298-13 establishing the development regulations and conditions for the Bella Vita Estates Residential Planned Development (RPD), and granting waivers of the Zoning and Land Development Regulations.

**Background:**

This application is a request by Brian Terry of Land Design South, on behalf of Pina Residential, LLC, for the following:

- Voluntarily annex an 8.96 acre parcel (labeled above) into the City Limits of the City of West Palm Beach (Ordinance No. 4494-13).
- Change the future land use designation of the subject property from a Palm Beach County High Residential-8 (HR-8) designation to a Multifamily Medium Density Residential (MFMD) designation within the City of West Palm Beach (Ordinance No. 4495-13).
- Change the zoning designation of the subject property from the Multi-Family Residential District (RM) in the County to the Multi-Family Medium Density (MF-20) zoning district within the City of West Palm Beach with a further rezoning to the Bella Vita Estates Residential Planned Development (RPD); establishing the site and landscape plans and the development regulations in a separate resolution (Ordinance No. 4496-13).
- Establish the development regulations and conditions for the Bella Vita Estates Residential Planned Development (RPD), granting waivers of the Zoning and Land Development Regulations (Resolution No. 298-13).

Location: The approximately 8.96 acre property is located at 8230 Okeechobee Boulevard, within Commission District No. 4 – Commissioner Keith James.

**PROJECT DETAILS:** The subject property is located on the south side of Okeechobee Blvd and west of the intersection of Benoist Farms Road. The subject property currently has a Palm Beach County High Residential 8 (HR-8) Future Land Use designation and a Palm Beach County Multi Family Residential (RM) zoning designation. The applicant is seeking to annex into the City, amend the Future Land Use designation to a Multifamily Medium Density Residential (MFMD) City designation, and rezone the parcel to a Multi-Family Medium Density (MF-20) designation with a request to further rezone the parcel to the Bella Vita Residential Planned Development (RPD) consisting of 179 multifamily residential units in seven buildings, a clubhouse and amenities, including the approval of waivers.

**INTERDEPARTMENTAL REVIEW:** The request was presented before the Plans and Plats Review Committee (PPRC) on June 12, 2013. The applicant has sufficiently addressed all comments and concerns in order for the request to be considered by the Planning Board.

**INTERLOCAL PLAN AMENDMENT REVIEW COMMITTEE (IPARC):** Notification of the Future Land Use Amendment was sent to IPARC on September 3, 2013, and to date, the City has not received any comments.

**PLANNING BOARD:** The Planning Board, sitting as the Local Planning Agency, recommended approval (6-0) of these requests to the City Commission after a Public Hearing on September 17, 2013. The Planning Board recommendation of approval included conditions of approval recommended by Staff regarding revisions to the buffer hedges for vehicular areas, modifications to the connections and design of the walkway around the lake tract, modifications to some parking areas to facilitate vehicular circulation, and changes to the site data, which the applicant needed to address before this case could be scheduled in front of the City Commission. Since the Planning Board meeting, the applicant has modified its application to address all of these conditions of approval

**PALM BEACH COUNTY:** On September 4, 2013, an Annexation Information Sheet was provided to Palm Beach County. To date the City has not received any comments.

**PUBLIC NOTIFICATION:** Courtesy notices were mailed to property owners within 400 feet of the subject property on August 30, 2013 and on September 27, 2013. At the time of printing this report, the City has received four (4) inquiries regarding the nature of the amendment.

**BACKGROUND AND ANALYSIS:**

The subject property is located on the south side of Okeechobee Blvd and west of the intersection of Benoist Farms Road. The site is 8.96 acres and is currently in unincorporated Palm Beach County and has a County Future Land Use Designation of High Residential 8 (HR-8) and a County Zoning Designation of Multifamily Residential (RM). In 2006 the site was approved by the County for a multifamily residential development project of 71 units. In the same year, the project began construction and the site was partially developed when the development stopped due to the state of the economy.

Currently, underground utilities such as water, sewer, storm drainage, and primary roadway system and retention facilities have been constructed on the site. Additionally, one of the residential buildings was constructed as a model home by the property owner under the existing permit issued by Palm Beach County. The site has remained in this state without development for over four (4) years.

The parcel is surrounded on the east by commercial properties located in the City of West Palm Beach. They include a medical office development with Commercial land use and General Commercial zoning and the Sedona Commons CPD, which includes mostly office uses.

Immediately to the north of the parcel is Okeechobee Boulevard, an 8 lane median-divided road, and further north is the Oakton Commons CPD, which was originally approved by the City as a commercial and residential development with multifamily, townhouses and loft style apartments with 132 units and over 91,900 SF of commercial space. The Oakton Commons site has been developed in phases since 2007 and has

transitioned into a townhouse / duplex development of 110 total units now called Oakton Preserve and non-residential uses.

To the southeast of the subject site is the Benoist Farms Elementary School. The site has a County High Residential 12 (HR-12) land use designation but contains no residential uses. The two parcels are separated by a 75' Lake Worth Drainage District (LWDD) canal ROW which provides a natural buffer between the uses. Palm Beach Place Apartments is adjacent to the property on the south. This site also has a County HR-12 land use designation and is an operating apartment complex within the Golden Lakes development with a density of 12.4 units per acre. The Palm Beach Place Apartments are separated from the subject site by a Lake Worth Drainage District canal.

Immediately to the west of the site is a nine acre parcel with a County HR-8 FLU designation which historically has been utilized as a Single Family home site. That parcel was recently purchased by the Grace Fellowship Church, whose main facilities are to the west of the parcel. The future utilization of this nine acre site is currently unknown.

**ANNEXATION (Ordinance No. 4494-13):**

The subject parcel is located within the City's Future Annexation Area and is surrounded by the City on its north and east sides and is relatively compact in size. In addition, the annexation of the subject parcel does not result in the creation of enclaves. As a result, the City's Planning Division has determined that the site meets the criteria for annexation as defined in Chapter 171, Florida Statute, as discussed in more detail elsewhere in this report. Staff's responses to the applicable annexation criteria, as set forth in Chapter 171, Florida Statutes, are attached hereto as Attachment II of the Staff Report.

**FUTURE LAND USE MAP AMENDMENT FROM COUNTY HR-8 TO CITY MFMD (Ordinance No. 4495-13)**

Since the subject parcel is requesting to be annexed into the City, under statutory law, once annexed, the parcel is required to possess a City of West Palm Beach Future Land Use designation. The applicant is requesting a Multi-Family Medium Residential (MFMD) Future Land Use designation, as the applicant feels it is the most appropriate designation based upon the proposed plan of development.

The subject parcel is located on the south side of Okeechobee Boulevard, about 100 yards west of Benoist Farms Road. It is surrounded by a combination of commercial, single family and multifamily residential uses, as well as civic uses such as schools and churches.

The proposed amendment complies with Policy 1.1.7 of the Future Land Use Element of the Comprehensive Plan which indicates that any amendment to the Future Land Use designation of a parcel has to meet at least one (1) of the five (5) Future Land Use (FLU) Amendment Standards outlined in this Policy.

Specifically the applicant has indicated that this proposed amendment complies with the Changed Projections and with the Changed Assumptions standards. See Attachment III

of the Staff Report for the Future Land Use Amendment Standards of Policy 1.1.7 of the Future Land Use Element of the Comprehensive Plan and for Staff's analysis of this application in relation to these Standards.

The proposed development is consistent with the Goals, Objectives and Policies of the City of West Palm Beach Comprehensive Plan. It is not anticipated that the proposed development will exceed the capacity for public facilities. Since a site plan for the site was previously approved for 71 multifamily units, public facilities have been accounted for and are available to the site. The requested amendment will meet all necessary public facilities Level of Service (LOS) standards and the appropriate service providers have indicated that they have the capacity to serve this development. Attachment IV of the Staff Report is the LOS Summary Table which reflects the LOS impacts of this amendment.

The subject annexation and related Future Land Use amendment also complies with Future Land Use Element Objective 1.8 of the City's Comprehensive Plan which promotes expanding the tax base by promoting new businesses and annexations.

The surrounding area along the Okeechobee Blvd corridor has been substantially built-out on both the north and south sides of the roadway. Over the past several years there has been further development of the properties across Okeechobee for both commercial and residential uses in Oakton Commons CPD and within the Sedona Commons CPD at the corner of Benoist Farms Road. The subject site already has approvals from Palm Beach County for multifamily residential development so the proposed amendment to allow multifamily uses is modifying the City's Future Land Use Map it is not an unanticipated use for the land.

**REZONING FROM COUNTY MULTI FAMILY RESIDENTIAL (RM) TO CITY MULTI FAMILY MEDIUM DENSITY (MF20) (Case No. 1633B) WITH A FURTHER REZONING TO RESIDENTIAL PLANNED DEVELOPMENT OR RPD, INCLUDING THE APPROVAL OF WAIVERS (Ordinance No. 4496-13):**

This application seeks to amend the zoning designation for the subject parcel from the County's Multi Family Residential (RM) designation to the City of West Palm Beach Multi-Family 20 (MF20) Zoning designation with a further rezoning to Residential Planned Development (RPD) and the approval of three (3) waivers. Attachment V of the Staff Report is the Site Plan proposed by the applicant and Attachment VI of the Staff Report is the proposed Landscape Plan. Meanwhile, Attachment VII is the front elevation of one of the proposed buildings.

Changed conditions exist that require a Zoning Map Amendment application for this property. The subject parcel is being voluntarily annexed into the City of West Palm Beach and will be assigned a City of West Palm Beach Future Land Use designation and a City Zoning district. The MF20 and RPD Zoning Districts are consistent with the proposed City of West Palm Beach Future Land Use designation of Multi Family Medium Density (MFMD) and would be the most appropriate zoning districts for the property.

The application and proposed development plan has been designed in a manner to maintain consistency with the Code of Ordinances and specifically Chapter 94. Attachment VIII provides the rezoning Standards of Section 94-32 of the Code as well as the findings associated with this proposal. The proposed use and densities are within the allowable limits for the proposed Zoning designation of MF20 (Section 94-76). The proposed development will seek the Residential Planned Development (RPD) designation and the applicant is seeking consideration of the following waivers associated with the proposed planned development:

1) 94-76(a)(3) Maximum building height. The maximum building height shall be the greater of 40 feet or two feet in height for each one foot in setback from side and rear lot lines.

Request: Allowance of reduced setbacks for a 45-foot high building.

The proposed plan is a combination of three story and four story buildings and due to the limitations of working within the existing infrastructure of the previous development plan the applicant has indicated that they are unable to increase the building setback that would accommodate their proposed mean roof height of forty-five feet (45'). The code allows for a forty (40') tall building as the maximum height for the MF20 district unless the required building setbacks are increased. In the case of 45 foot-high buildings such as the ones being proposed, the minimum required setback would be 22.5 feet. The proposed plans show building setbacks of 12.67' on the south and west property boundaries, hence requiring the request for this waiver.

The applicant has indicated that on the south property boundary the concern about the reduced setback would be significantly mitigated due to the fact that there is a natural setback from the adjacent property by way of a 90' Lake Worth Drainage District canal. This provides a setback from the adjacent property that mitigates concerns regarding the reduced setbacks for the additional height. In addition, the applicant argues that the proposed landscape plan approximately doubles the quantity of material within the landscape buffer, which as a result, would substantially buffer any visual impacts for the existing multifamily residential units south of the LWDD canal.

On the west property line the applicant has indicated that the proposed landscape plan would significantly exceed the amount of required landscape material in the buffer to mitigate the concern of the building height. The parcel immediately to the west was recently purchased by the Grace Fellowship Church, and the applicant has indicated that this parcel is not being used for a residential use. The applicant argues that due to the tight east-west dimensions between the property line and the existing infrastructure that has been developed on site the relocation of the buildings would pose a significant hardship.

Staff Response: Staff agrees with the applicant's request for a waiver on the minimum setback requirements given the site limitations, the separation from the existing residential uses on the south side, and the increased landscaping provided in the plans.

2) 94-76(a)(2) Minimum Setbacks.

Request: Allowance of reduced setbacks for some light poles.

Due to the fact that light poles have a foundation they meet the definition of a “structure” which is defined below and would subsequently be required to meet the primary building setback.

“Structure means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, including but not limited to buildings, mobile homes, towers, walls, fences, billboards, poster panels, recreational facilities, and swimming pools.”

The applicant has indicated that the light fixtures locations have been located to provide the appropriate light levels to ensure a safe environment throughout the community. However, there are a few light poles which appear to be located within the required setback of 22.5 feet. The applicant claims in their request that this waiver will cause no harm to the adjacent uses as all fixtures will be cut-off style to limit all light levels along the property boundaries. The poles are consistent with the architectural design of the community and required for the safety of the community.

Staff Response: Staff agrees with the applicant’s request for a waiver on the setback requirements for this small number of light poles. The light fixtures are being designed to minimize light spillover into adjacent parcels and the maximum height of the light poles is approximately 20 feet. As a result, staff does not foresee any negative impact on the adjacent parcels as a result of granting this waiver.

3) 94-443(c)(1) Screening and landscaping for vehicular use areas

Request: Waiver from the 36” decorative wall screening requirement for vehicular areas adjacent to residential districts.

“A decorative wall: Vehicular use areas shall be screened from residential uses and districts by a 36-inch high brick, decorative concrete, other decorative masonry, or comparably durable wood or metal wall around the periphery. The screen does not include metal or wood slats in chain link fences. The wall may not be interrupted along more than 20 percent of required length to provide vehicular ingress and egress; however, this provision may be waived to accommodate normal vehicular ingress and egress for properties possessing minimal frontage”

Currently, the applicant is seeking a waiver from Section 94-443(c)(1) Screening and landscaping for vehicular use areas of the Code. This section requires that “Vehicular use areas shall be screened from residential uses and districts by a 36-inch high brick, decorative concrete, other decorative masonry, or comparably durable wood or metal wall around the periphery”. The applicant’s original justification for this waiver was that the proposed landscape plan provides a buffer consistent with the code by using a Viburnum hedge which is being specified at 36” in height. Subsequently the installed height of the plant material will be equal to the height of a required wall. In addition, the applicant argues that the requirement for the screening wall could be waived due to the

actual distance separation of the residential uses from this parcel, and due to the additional landscaping provided in some areas of the buffer. At the Planning Board meeting, Staff indicated its concerns with the lack of opacity that a Viburnum hedge would provide and recommended the use of other species as a condition of approval. The Planning Board agreed with Staff's recommendation.

Since the Planning Board Meeting, the applicant modified the landscape plan to include a double hedge of 36" in height in the vehicular use areas that is composed of Podocarpus and Simpson's Stopper.

Staff Response: Staff agrees with the modifications to the Landscape Plan proposed by the applicant after the Planning Board meeting and supports the request for the waiver.

Based upon the compatibility with the surrounding zoning districts, the Planning and Zoning Division has found that the request complies with the required Rezoning Standards found in Section 94-32 of the Zoning and Land Development Regulations.

**INFRASTRUCTURE IMPACT ANALYSIS:** The maximum development potential for the subject parcel under the existing County HR-8 FLU designation is 71 dwelling units. The maximum development potential for this parcel under the proposed MFMD Future Land Use designation would be 179 dwelling units. As indicated by the Level of Service (LOS) Analysis Summary Table referenced as Attachment IV in the Staff Report, the proposed Future Land Use amendment to the MFMD designation will result in an increase of impacts that can be met by the respective service providers.

**OVERALL ANALYSIS:** As the requests described above meet the requirements of the City's Comprehensive Plan, Zoning and Land Development Regulations, and Chapter 171, Florida Statutes, where applicable, Staff recommends approval of the requests.

The Planning staff represents that in accordance with statutory requirements, the annexation ordinance has been advertised once each week for two consecutive weeks, and that individual notices of the public hearing on the future land use map amendment and re-zoning were mailed to all property owners within 400 feet of the subject property.

Upon annexation, the property will be included in Commission District No. 4 – Commissioner Keith James.

#### **OTHER BUSINESS (19):**

- 19. Discussion of whether to release the restriction prohibiting the use of any of the Home Depot Commercial Planned Development property by an entity that is exempt from ad valorem taxes unless the entity agrees to a PILOT ("Payment In Lieu of Taxes") program.**

**[Agenda Cover Memorandum No.: 19624](#)**

**Staff Recommended Motion:**

Discuss the request and provide direction to staff.

**Background:**

On September 19, 2013, staff received a request from Bryan Seymour representing the Palm Beach Jewish Community Campus Corporation requesting a release of the restriction recorded at ORB 10617, Page 493 (Attachment 1) prohibiting the use of any of the Home Depot Commercial Planned Development property by an entity that is exempt from ad valorem taxes unless the entity agrees to a PILOT ("Payment In Lieu of Taxes") program. There is currently a vacant 1.08 acre parcel located at the northeast corner of Palm Beach Lakes Boulevard and Hank Aaron Drive. The Palm Beach Jewish Community Campus Corporation, a not-for-profit, ad valorem tax exempt entity has contracted for the purchase of Lot 3 so that they can build a new Jewish Community building to house the Jewish Federation of Palm Beach County and some of its related agencies similar to its current facility on Community Drive. The building would house approximately 72 persons but not pay ad valorem taxes to the City.

At the October 7, 2013 Mayor-Commission workshop, the item was discussed with the Mayor and three Commissioners and it was decided that the discussion should take place with the entire Commission. The site currently has a Palm Beach County Property Appraiser value of \$677,448 and pays \$16,490 in ad valorem taxes as vacant property. Staff will make a formal presentation and seek direction from the Commission.

**Fiscal Note:**

If the restriction is removed then the City will lose any ad valorem taxes generated by this property as the purchaser is a not-for-profit ad valorem exempt entity.

**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.**