

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 1.828 ACRES AT 1901 NORTH FLAGLER DRIVE, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF PINE STREET AND NORTH FLAGLER DRIVE, FROM CURRIE MIXED USE DISTRICT – CORE II SUB-DISTRICT TO CURRIE MIXED USE DISTRICT – CORE I SUB-DISTRICT; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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WHEREAS, an application for a rezoning has been submitted by Harvey E. Oyer, III of Shutts & Bowen, LLP, on behalf of Temple Israel of West Palm Beach, Inc. (the “applicant”), to change the zoning designation of ±1.828 acres at 1901 North Flagler Drive, generally located at the southwest corner of Pine Street and North Flagler Drive (the “subject property”), from Currie Mixed Use District (CMUD) – Core II Sub-district to Currie Mixed Use District (CMUD) – Core I Sub-district; and

WHEREAS, Planning Staff has determined that the rezoning of the subject property is consistent with the Comprehensive Plan and the criteria and standards provided in Section 94-32 of the City’s Zoning and Land Development Regulations; and

WHEREAS, the Planning Board recommended approval (5-1) of this request to the City Commission after a Public Hearing on July 18, 2023, with the condition that the applicant meet with the residents of the Flagler Pointe condominium (the property immediately south of the subject property) to discuss and answer questions on the rezoning of the property prior to the City Commission hearing; and

WHEREAS, the applicant held a meeting with the residents of the Flagler Pointe condominium on August 24, 2023; and

WHEREAS, the Public Hearing was advertised in the Palm Beach Post, with proof of publication housed in the Development Services Department – Planning Division, along with evidence that individual notices of the public hearing were mailed to all property owners within 500 feet;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, that:

SECTION 1: The City Commission hereby finds and determines that the Zoning Map amendment described herein is consistent with the Comprehensive Plan of the City adopted pursuant to Section 163.3161, et seq., Florida Statutes.

ORDINANCE NO. 5061-23

SECTION 2: The City Commission hereby finds and determines that the Zoning Map amendment is consistent with the rezoning Standards established in Section 94-32 of the City's Zoning and Land Development Regulations, as follows:

- A. **Consistency with the Comprehensive Plan.** The rezoning will remain consistent with its current Future Land Use designation of Mixed Use (MU).
- B. **Changed Conditions.** The rezoning requires an amendment to the City's Official Zoning Map.
- C. **Consistency with the Land Development Regulations.** All future development on the subject property will be required to meet the standards of the City's Development Code.
- D. **Consistency with Use.** The rezoning will remain consistent with the existing and proposed land uses.
- E. **Capacity of Public Facilities.** The rezoning will likely increase the demand on public facilities on the subject property and the surrounding area; however, the Currie Mixed Use District (CMUD) has adopted a development cap for the entire district (2.3 million square feet of retail/commercial and 4,065 residential units) that cannot be exceeded and enables the district to be developed, regardless of the CMUD Sub-district zoning designation. The rezoning does not change the adopted development cap; any required improvements or enlargements to any public facilities as a result of the rezoning will need to be done at the expenses of the developer at the time of a development application.
- F. **Natural Resources.** The subject property is currently developed. Any redevelopment and/or improvements on the property, regardless of the zoning designation, should not generate significant adverse impacts on the natural environment.
- G. **Property Values.** The rezoning will increase the development potential and therefore, the value of the subject property will also increase.
- H. **Logical Development Pattern.** Many of the parcels along North and South Flagler Drive are being redeveloped as high-rise buildings. The rezoning would create a more consistent development pattern fronting along Flagler Drive.

SECTION 3: The Zoning Map of the City is hereby amended by assigning a Currie Mixed Use District (CMUD) – Core I Sub-district zoning designation to the ±1.828-acre property at 1901 North Flagler Drive, generally located at the southwest corner of Pine Street and North Flagler Drive, legally described in **EXHIBIT A** and shown and depicted in **EXHIBITS B and C**.

SECTION 4: This Ordinance shall take effect in accordance with law.

FIRST READING THIS 18TH DAY OF SEPTEMBER, 2023.

SECOND READING AND PASSAGE THIS 2ND DAY OF OCTOBER, 2023.



ATTEST:

X *Shaquita Edwards*

CITY CLERK
Signed by: Shaquita Lasheae Edwards

**CITY OF WEST PALM BEACH BY
ITS CITY COMMISSION:**

X *Keith A. James*

PRESIDING OFFICER
Signed by: Keith A. James

**APPROVED AS TO FORM AND
LEGALITY:**

10/2/2023

X *Nancy Urcheck*

CITY ATTORNEY
Signed by: Nancy DeSimone Urcheck

EXHIBIT A

Legal Description of the Subject Area

The Zoning designation of the subject area legally described below shall be changed from Currie Mixed Use District (CMUD) – Core II Subdistrict to Currie Mixed Use District (CMUD) – Core I Subdistrict:

THE LAND REFERENCED TO HEREIN BELOW IS SITUATED IN SECTION 15, TOWNSHIP 43 SOUTH, RANGE 43 EAST, COUNTY OF PALM BEACH, STATE OF FLORIDA, AND DESCRIBED AS FOLLOWS:

PARCEL 1:

A PARCEL OF LAND LYING IN LOTS 11, 12, AND 13, BLOCK 2, PLAT OF "PINEWOOD TERRACE ADDITION TO WEST PALM BEACH, FLORIDA", RECORDED IN PLAT BOOK 2, PAGE 3, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; ALONG WITH THE UNNUMBERED LOT LYING SOUTH OF AND ADJACENT TO SAID LOT 11; ALONG WITH THAT 15-FOOT-WIDE ALLEY ABANDONED PURSUANT TO OFFICIAL RECORDS BOOK 2611, PAGE 1138 OF SAID RECORDS; ALONG WITH THAT PORTION OF CREATED LANDS LYING EASTERLY FROM THE EAST LINE OF BLOCK 2 OF SAID PLAT, LYING WITHIN A PORTION OF GOVERNMENT LOT 5, SECTION 15, TOWNSHIP 43 SOUTH, RANGE 43 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE POINT OF BEGINNING BEING THE NORTHWEST CORNER OF LOT 11, BLOCK 2, PLAT OF "PINEWOOD TERRACE ADDITION TO WEST PALM BEACH, FLORIDA", RECORDED IN PLAT BOOK 2, PAGE 3, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 88°42'58" EAST ALONG THE NORTH LINE OF SAID LOT 11, ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF PINE STREET, A DISTANCE OF 90.01 FEET, MORE OR LESS, TO THE INTERSECTION OF THE WEST LINE OF LOT 12, OF SAID BLOCK 2; THENCE NORTH 01° 21' 02" EAST ALONG THE SAID WEST LINE OF SAID LOT 12, A DISTANCE OF 10.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 12, BEING THE SOUTH RIGHT-OF-WAY LINE OF PINE STREET; THENCE SOUTH 88°42'58" EAST ALONG THE NORTH LINE OF SAID LOT 12, A DISTANCE OF 295.00 FEET, MORE OR LESS, TO THE APPROXIMATE SHORE LINE AS SHOWN ON SAID PLAT OF "PINEWOOD TERRACE ADDITION TO WEST PALM BEACH, FLORIDA"; THENCE CONTINUE SOUTH 88°42'58" EAST ALONG THE EASTERLY PROLONGATION OF THE NORTH LINE OF SAID LOT 12, A DISTANCE OF 234.35 FEET TO THE CITY OF WEST PALM BEACH 1963 BULKHEAD LINE RECORDED IN PLAT BOOK 27, PAGE 231, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 15°33'23"; WEST ALONG THE SAID BULKHEAD LINE A DISTANCE OF 154.78 FEET INTERSECTING THE SOUTH LINE OF LOT 13, BLOCK 2, PROLONGED EASTERLY MARKING SAID INTERSECTION; THENCE NORTH 88°42'58"; WEST ALONG SAID SOUTH LINE OF LOT 13 PROLONGED, A DISTANCE OF 264.36 FEET TO THE APPROXIMATE SHORE LINE AS SHOWN ON THE PLAT OF "PINEWOOD TERRACE ADDITION TO WEST PALM BEACH, FLORIDA", RECORDED IN PLAT BOOK 2, PAGE 3, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID POSITION BEING THE SOUTHEASTERLY CORNER OF LOT 13, BLOCK 2; THENCE CONTINUE NORTH 88°42'58" WEST, A DISTANCE OF 227.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 13; THENCE ON A BEARING OF NORTH 01° 21'02" EAST ALONG SAID WEST LINE OF SAID LOT 13, A DISTANCE OF 15.00 FEET; THENCE NORTH 88°42'58" WEST, A DISTANCE OF 15.00 FEET TO THE SOUTHEAST CORNER OF THE UNNUMBERED LOT LYING SOUTH OF AND ADJACENT TO SAID LOT 11; THENCE CONTINUE NORTH 88°42'58" WEST, A DISTANCE OF 75.01 FEET; THENCE ON A BEARING NORTH 01°21'02" EAST, A DISTANCE OF 25.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 11; THENCE CONTINUE NORTH 01° 21'02" EAST, A DISTANCE OF 100.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 11, BEING THE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM THE RIGHT-OF-WAY OF NORTH FLAGLER DRIVE, RECORDED IN DEED BOOK 501, PAGE 268, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS OF PARCEL 1 CONTAIN 78,500 SQUARE FEET (1.802 ACRES), MORE OR LESS.

EXHIBIT A (continued)

PARCEL 2:

THAT PORTION OF AN ABANDONED 15-FOOT-WIDE ALLEY AS DESCRIBED IN OFFICIAL RECORDS BOOK 2861, PAGE 990, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

THAT PART OF A 15-FOOT-WIDE ALLEY LYING SOUTH OF AND ADJACENT TO THE EAST 60 FEET OF THE UNNUMBERED LOT SOUTH OF LOT 11, BLOCK 2, PLAT OF "PINWOOD TERRACE ADDITION TO WEST PALM BEACH, FLORIDA", RECORDED IN PLAT BOOK 2, PAGE 3, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LAND IN PARCEL 2 CONTAIN 900 SQUARE FEET, MORE OR LESS.

PARCEL 3:

A 15-FOOT-WIDE BY 15-FOOT-LONG PARCEL OF LAND BOUNDED ON THE WEST BY THE PORTION OF AN ABANDONED ALLEY DESCRIBED IN OFFICIAL RECORDS BOOK 2861, PAGE 990; PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BOUNDED ON THE SOUTH BY THE SOUTH LIMITS OF SAID PLAT OF "PINWOOD TERRACE ADDITION TO WEST PALM BEACH, FLORIDA", RECORDED IN PLAT BOOK 2, PAGE 3, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BOUNDED ON THE EAST BY THE WEST LINE OF LOT 13, BLOCK 2, PLAT OF "PINWOOD TERRACE ADDITION TO WEST PALM BEACH, FLORIDA"; AND BOUNDED ON THE NORTH BY THE FOLLOWING DESCRIBED LINE:

FROM A POINT LYING AT THE SOUTHEAST CORNER OF THE UNNUMBERED LOT SOUTH OF LOT 11, BLOCK 2, PLAT OF " PINWOOD TERRACE ADDITION TO WEST PALM BEACH, FLORIDA ", RECORDED IN PLAT BOOK 2, PAGE 3, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THENCE RUN EASTERLY ALONG THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID UNNUMBERED LOT, A DISTANCE OF 15 FEET TO THE INTERSECTION OF THE SAID WEST LINE OF LOT 13.

SAID LANDS IN PARCEL 3 CONTAIN 225 SQUARE FEET, MORE OR LESS.

ALL THE LAND DESCRIBED HEREIN ARE SUBJECT TO RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

SAID LANDS OR PARCEL 1, 2 AND 3 CONTAIN A TOTAL COMBINED AREA OF 79,625 SQUARE FEET (1.828 ACRES), MORE OR LESS.

EXHIBIT B (continued)

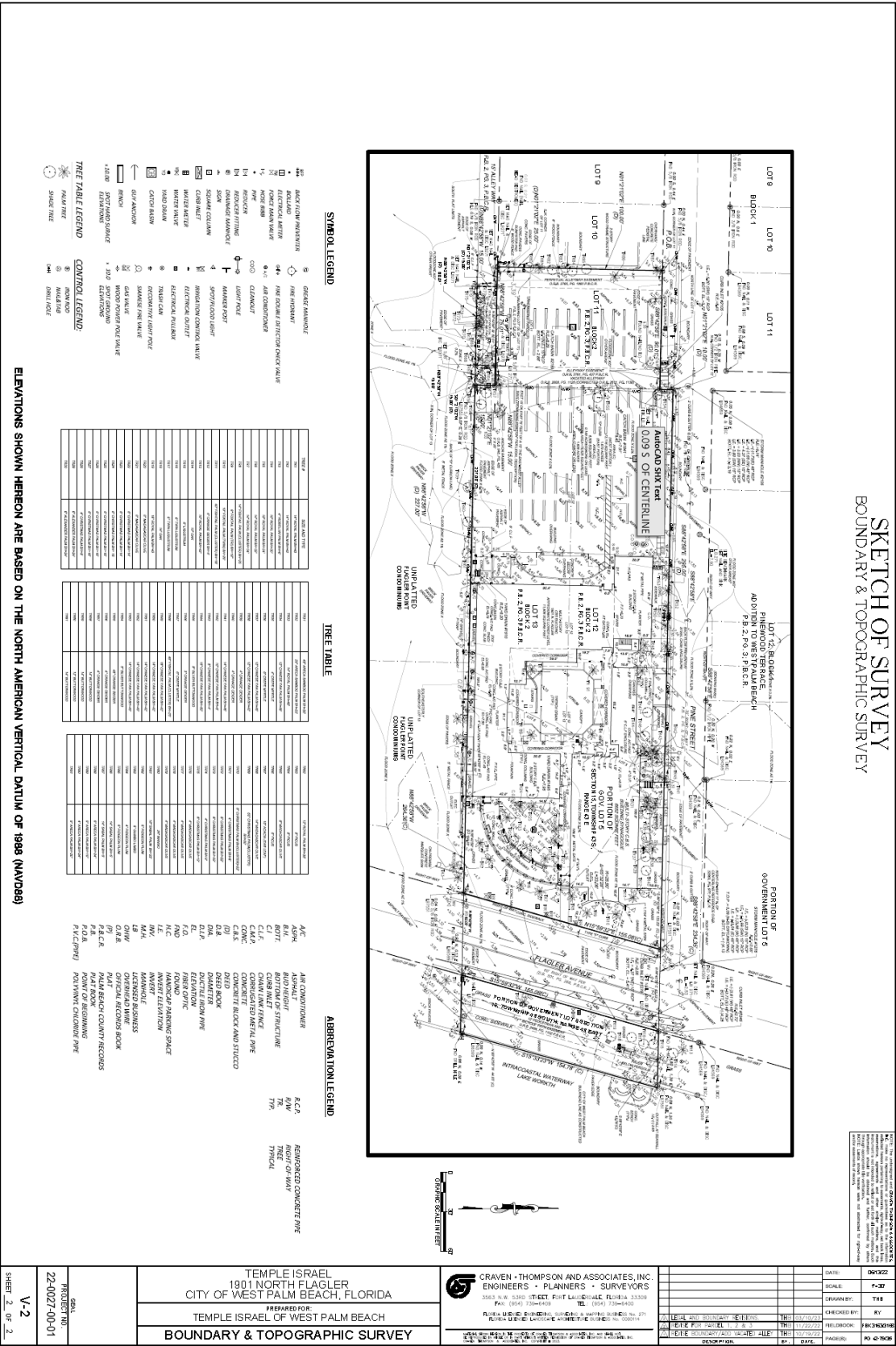


EXHIBIT C

Excerpt of Revised Zoning Map

