

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 ±11.02 ACRES LOCATED AT 3801 GEORGIA AVE FROM MULTIFAMILY HIGH DENSITY RESIDENTIAL TO RESIDENTIAL PLANNED DEVELOPMENT TO CREATE THE ROSELAND GARDENS RESIDENTIAL PLANNED DEVELOPMENT; PROVIDING FOR THE ESTABLISHMENT OF DEVELOPMENT REGULATIONS BY SEPARATE RESOLUTION; DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REVISING THE ZONING MAP OF THE CITY ACCORDINGLY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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WHEREAS, Jon Schmidt of Schmidt Nichols, on behalf of West Palm Beach Housing Authority, submitted an application for a rezoning to change the zoning designation of the subject property, approximately 11.02 acres, located at 3801 Georgia Ave from Multifamily High Density (MF32) Residential to a Residential Planned Development (RPD), with (2) two waiver to establishing what is to be known as the Roseland Gardens RPD to facilitate redevelopment of the subject property; and

WHEREAS, the rezoning will be consistent with the Comprehensive Plan and the criteria and standards provided in Sections 94-32 of the City's Zoning and Land Development Regulations including those required by 94-207; and

WHEREAS, the Planning Board recommended approval (6-0) of this request to the City Commission after a Public Hearing on February 21, 2024; and

WHEREAS, all development regulations, including site development plans and waivers for Roseland Gardens Residential Planned Development shall be established in Resolution No. 70-24; 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 of the subject property.

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 to change the zoning designation of one parcel, approximately 11.02 acres, located at 3801 Georgia Ave from Multifamily High Density (MF32) to Residential Planned Development (RPD) is consistent with the Comprehensive Plan of the City.

SECTION 2: The City Commission hereby finds and determines that, with a granted waiver, 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 Comprehensive Plan.** The proposed rezoning to Residential Planned Development (RPD) is consistent with the existing Future Land Use designation of Multifamily (MF) for the subject property and the City of West Palm Beach Comprehensive Plan.
- B. **Changed Conditions.** The applicant indicated that the current multifamily residential buildings onsite are outdated. The proposed redevelopment will properly cater for the needs of the elderly and non-elderly population and allow for more units to be located on site. The proposed Residential Planned Development will address some of housing demand if approved.
- C. **Consistency with the Land Development Code.** Subject to the granting of the requested (2) two waivers, and compliance with the conditions of approval contained herein, the proposed rezoning and redevelopment project proposal complies with all applicable portions of the City's Development Code.
- D. **Consistency with Use.** The proposed amendment is consistent with the existing land use of the subject area and will replace an outdated multifamily unit complex.
- E. **Capacity of Public Facilities.** It is anticipated that the proposed redevelopment of the subject site will not increase the demand on public facilities to a point that would exceed their capacities. Any improvements or enlargements to any public utility system necessary as a result of the development shall be done at the expense of the developer.
- F. **Natural Resources.** The development of the site would not result in any additional significant impact on the natural environment.
- G. **Property Value.** It is not anticipated that the proposed amendment would adversely affect property values in the area.
- H. **Logical Development Patterns.** The proposed amendment and the proposed redevelopment of the subject property presents a unified development that will provide and establish a clear orderly development pattern for the subject parcels. It is Staff's professional opinion that the requested waiver would not negatively affect the orderly and logical development pattern within the surrounding area.

ORDINANCE NO. 5096-24

SECTION 3: The City Commission hereby finds and determines that, with the granted waivers, the Zoning Map amendment complies with Section 94-207 of the Zoning and Land Development Regulations.

SECTION 4: The Zoning Map of the City of West Palm Beach, Florida is hereby amended by changing approximately 11.02 acres of the property located generally at 3801 Georgia Ave from Multifamily High Density (MF32) Residential zoning to designation to a Residential Planned Development (RPD) zoning designation, to create the Roseland Gardens (RPD), as legally described in **EXHIBIT A** shown and depicted in **EXHIBITS B THROUGH EXHIBIT D**.

SECTION 5: The development regulations which govern the Roseland Gardens Residential Planned Development will be established in Resolution No. 70-24 and all future modifications of the development regulations shall be by Resolution.

SECTION 6: If the development approved by Resolution No. 70-24 terminates or expires, the rezoning granted herein becomes void and the property shall automatically revert to a Multifamily High Density (MF32) zoning designation, or the then-current zoning district designation. In such an event, Planning Staff is hereby directed and authorized to amend the Zoning Map accordingly.

SECTION 7: This Ordinance shall take effect in accordance with law.

[SIGNATURES ON FOLLOWING PAGE]

FIRST READING THIS 29TH DAY OF APRIL, 2024.
SECOND READING AND PASSAGE THIS 13TH DAY OF MAY, 2024.



ATTEST:

X *Shaquita Edwards*

CITY CLERK
Signed by: Shaquita Lashae Edwards


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

Recoverable Signature

Keith A. James

DIRECTOR
Signed by: Keith A. James

**APPROVED AS TO FORM AND
LEGALITY:**

 Recoverable Signature

X *Kimberly L. Rothenburg*

CITY ATTORNEY
Signed by: Kimberly L Rothenburg

EXHIBIT A

Legal Description of the Subject Property

A TRACT OF LAND IN SECTION 33, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE QUARTER SECTION CORNER ON THE SOUTH LINE OF SAID SECTION 33; RUN THENCE EASTERLY ALONG SAID SECTION LINE A DISTANCE OF 690.54 FEET TO A POINT; THENCE NORTHERLY, MAKING AN ANGLE WITH SAID SECTION LINE, MEASURED FROM WEST TO NORTH, OF 86 1' 30" A DISTANCE OF 65 FEET TO THE POINT OF INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF SOUTHERN BOULEVARD AND THE EASTERLY RIGHT OF WAY LINE OF LAKE AVENUE, SAID POINT BEING THE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED; THENCE NORTHERLY ALONG THE SAME COURSE AND ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID LAKE AVENUE, A DISTANCE OF 798.06 FEET, MORE OR LESS, TO A POINT IN A LINE PARALLEL TO, AND 863 FEET NORTHERLY FROM, MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF SAID SECTION 33; THENCE EASTERLY PARALLEL TO AND 863 FEET NORTHERLY FROM THE SOUTH LINE OF SAID SECTION 33 A DISTANCE OF 601.92 FEET, MORE OR LESS, TO A POINT IN THE WESTERLY RIGHT OF WAY LINE OF GEORGIA AVENUE; THENCE SOUTHERLY ALONG THE SAID WESTERLY RIGHT OF WAY LINE OF GEORGIA AVENUE A DISTANCE OF 798.04 FEET, MORE OR LESS, TO A POINT IN A LINE PARALLEL TO, AND 65 FEET NORTHERLY FROM, MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF SAID SECTION 33, BEING THE NORTHERLY RIGHT OF WAY LINE OF SAID SOUTHERN BOULEVARD; THENCE WESTERLY ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID SOUTHERN BOULEVARD AND PARALLEL TO, AND 65 FEET NORTH OF SAID SOUTH LINE OF SECTION 33 A DISTANCE OF 600.64 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

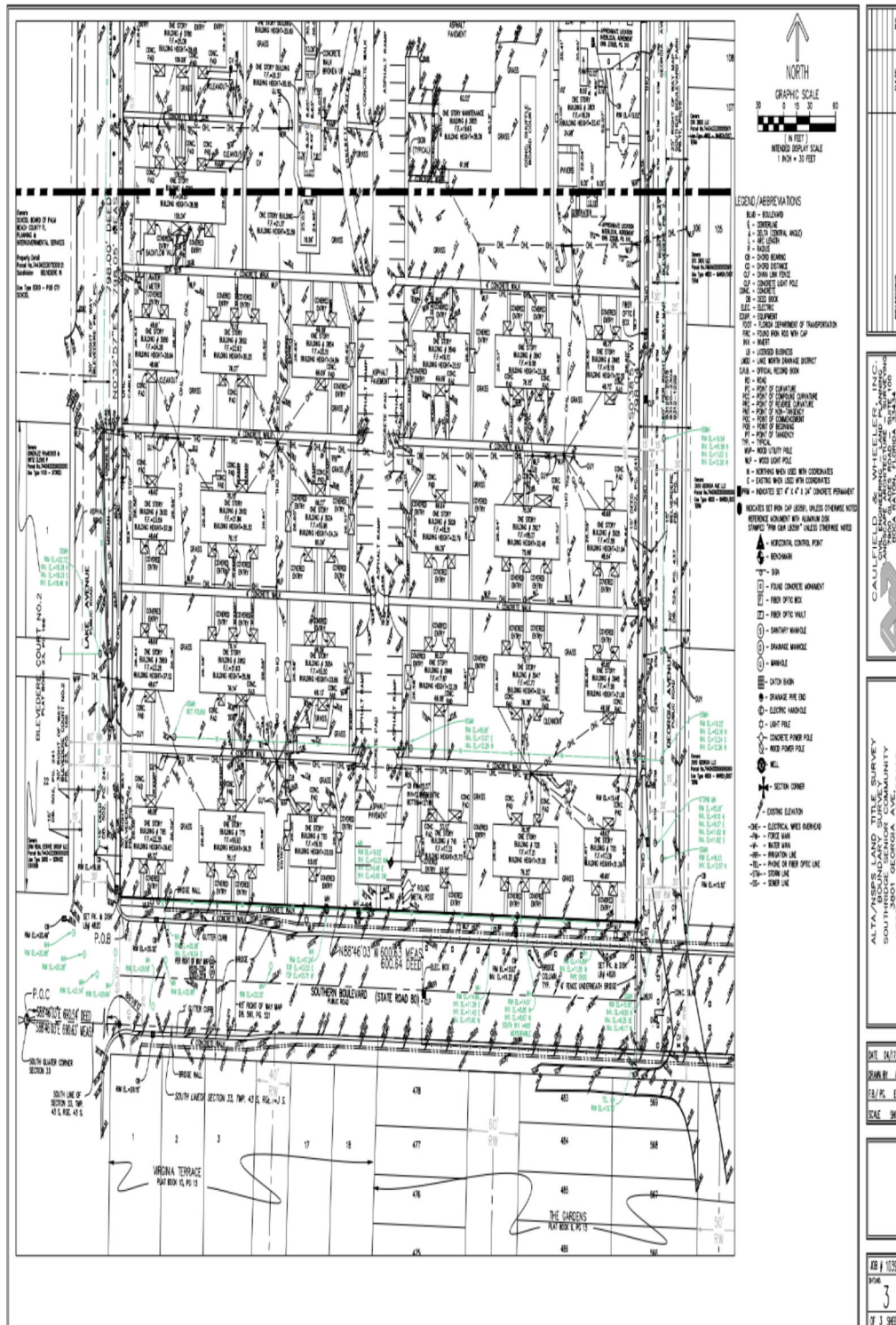


EXHIBIT C

Current Zoning Map of the Subject Property

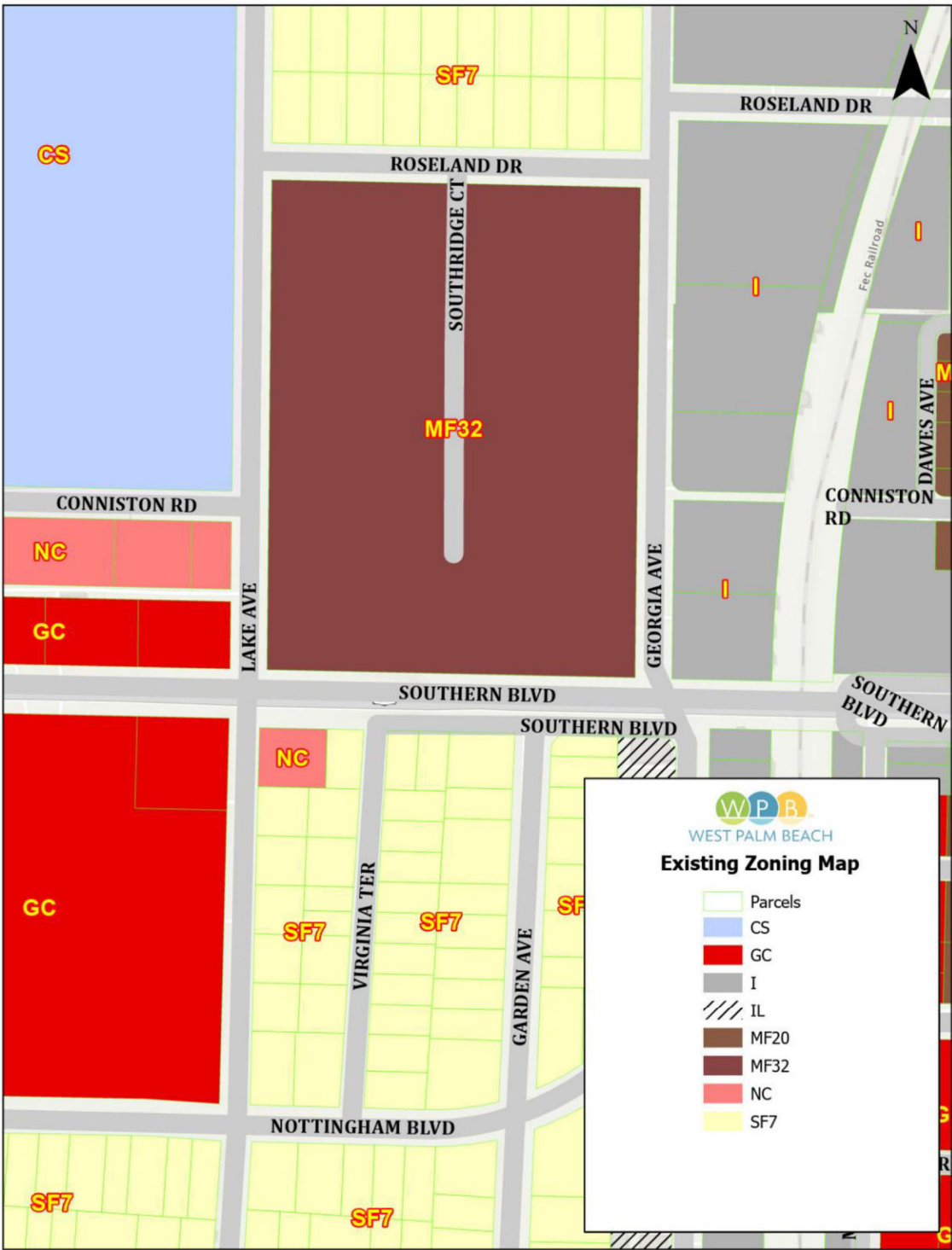


EXHIBIT D

Proposed Zoning Map of the Subject Property

