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Mayor Keith A. James  
Commission President Christina Lambert (District 5)  
Commissioner Cathleen Ward (District 1)  
Commissioner Shalonda Warren (District 2)  
Commissioner Christy Fox (District 3)  
Commissioner Joseph A. Peduzzi (District 4)

City Administrator Faye W. Johnson  
City Attorney Kimberly Rothenburg  
City Clerk Shaquita Edwards

**City of West Palm Beach  
City Commission  
Agenda  
Monday, October 27, 2025  
5:00 PM**

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, FL 33401, (561) 822-1210.

**1. CALL TO ORDER**

**2. MOMENT OF SILENCE**

**3. PLEDGE OF ALLEGIANCE**

**4. 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.
- Any person desiring to address the Commission **shall** file a written request with the city clerk prior to consideration of the matter by the Commission or prior to the public comment portion of a meeting. The person wishing to speak **shall** complete a comment card for each agenda item the person wishes to address, which **shall** include the person's full name, address, and the numbered agenda item. The person will not be recognized if the comment card is not completed.

## 5. ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA

## 6. PROCLAMATION

- 6.1. Tribute Presentation to Bruce Gendelman in honor of his extraordinary contributions and legacy of service, leadership, and dedication to the arts, the cultural community, and the people of West Palm Beach.

**Originating Department:**  
Mayor's Office

## 7. PRESENTATIONS

- 7.1. State of Education Report by Erica Whitfield, Palm Beach County School Board Member, District Four (4).

**Originating Department:**  
Mayor's Office

- 7.2. State of Education Report by Edwin Ferguson, Palm Beach County School Board Member, District Seven (7).

**Originating Department:**  
Mayor's Office

## 8. CONSENT CALENDAR

All items listed under the consent calendar are considered routine and will be enacted by one motion. There will be no separate discussion of these items.

- 8.1. Minutes of the September 2, 2025, Regular City Commission Meeting.

**Originating Department:**  
Mayor's Office

- 8.2. Minutes of the Special City Commission Meeting of September 8, 2025.

**Originating Department:**  
Mayor's Office

- 8.3. Minutes of the September 15, 2025, Regular City Commission Meeting.

**Originating Department:**  
Mayor's Office

- 8.4. Resolution No. 251-25 granting a license to Edward Riley Bradley's, Inc for the use of the property at 155 S. Flagler Drive.

**Originating Department:**  
Mayor's Office

**Ordinance/Resolution:**

RESOLUTION NO. 251-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING A LICENSE TO EDWARD RILEY BRADLEY'S, INC. FOR USE OF THE PROPERTY AT 155 S. FLAGLER DRIVE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

Pursuant to Resolution No. 59-18 and Resolution No. 320-19, the City Commission previously approved a license agreement allowing E.R. Bradley's Restaurant to utilize the City site located at 155 S. Flagler Drive for restaurant service and public entertainment purposes, accessible to both Bradley's patrons and the general public. The site is currently being utilized for these purposes. The site consists of approximately 0.124 acres of land, or 5,408 square feet.

The City of West Palm Beach desires to renew the license agreement at an annual license fee of \$6,000 per year or \$500 per month. The license agreement is revocable by the City with a thirty (30) day notice.

The property is in Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

No fiscal impact.

- 8.5. Resolution No. 273-25(F) approving a donation to the Palm Beach Lakes High School Ram Regiment Band in the amount of \$45,000 for participation in the 2026 London New Year's Day Parade.

**Originating Department:**

Mayor's Office

**Ordinance/Resolution:**

RESOLUTION NO. 273-25(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2025/2026 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GENERAL FUND BUDGET TO PROVIDE APPROPRIATIONS FOR A DONATION TO PALM BEACH LAKES HIGH SCHOOL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

Palm Beach Lakes Community High School's Ram Regiment Band has been formally invited to perform in the 40th Annual London New Year's Day Parade in 2026, which is a prestigious international event that showcases top student performers from around the world. This invitation is a significant honor for the school, the students, and the City of West

Palm Beach, as the band will represent the community on a global stage.

To support this once-in-a-lifetime opportunity, the City of West Palm Beach is proposing a donation of \$45,000 to assist with travel and participation costs for the Ram Regiment Band. The funds will help offset expenses such as airfare, lodging, meals, and other logistical needs associated with the trip.

Importantly, approximately 95% of the students in the Ram Regiment Band reside in the City of West Palm Beach, making this contribution a direct investment in the City's youth and future leaders.

This donation reflects the City's commitment to youth development, educational enrichment, and cultural representation. It also aligns with the City's values of community engagement and support for public education initiatives.

The donation will be made directly to Palm Beach Lakes High School for the exclusive purpose of supporting the band's participation in the 2026 London New Year's Day Parade.

Resolution No. 273-25(F) recognizes unspent FY2025 funds within the Mayor and Commissioner budgets to provide appropriations for a donation to Palm Beach Lakes High School for the 2026 London New Year's Day Parade.

**Fiscal Note:**

Approval of this item will provide appropriations for a donation in the amount of \$45,000 to Palm Beach Lakes High School.

- 8.6. Resolution No. 217-25 accepting a Cooperative Funding grant from the South Florida Water Management District in the amount of \$18,750 to fund a Community Water Conservation Program to support the water-efficient fixtures (High-Efficiency Toilet Program); and

Resolution No. 259-25(F) providing budget appropriations to support this action in the Water and Sewage Systems Revenue Fund.

**Originating Department:**

Public Utilities

**Ordinance/Resolution:**

RESOLUTION NO. 217-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A COOPERATIVE FUNDING PROGRAM WATER CONSERVATION GRANT IN THE AMOUNT OF EIGHTEEN THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$18,750) FROM THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR THE

COMMUNITY WATER CONSERVATION MEASURES PROJECT - HIGH-EFFICIENCY TOILET PROGRAM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 259-25(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2025/2026 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 SEWAGE SYSTEMS REVENUE FUND BUDGET TO RECOGNIZE A GRANT FROM SOUTH FLORIDA WATER MANAGEMENT DISTRICT AND TO PROVIDE APPROPRIATIONS FOR A COMMUNITY WATER CONSERVATION PROGRAM RELATED TO EFFICIENT FIXTURES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

The City of West Palm Beach Office of Sustainability partners with the South Florida Water Management District (SFWMD) to provide water conservation opportunities to City of West Palm Beach Water Utility customers. This grant partnership is now in its 11th year.

The Community Water Conservation Measures Project - High-Efficiency Toilets (HET) agreement provides \$18,750 in matching funds from SFWMD for the distribution of a minimum of 300 high-efficiency toilets. This funding covers project implementation costs incurred and expended during the period of October 1, 2024, to November 30, 2027.

The HET program has successfully provided demand-side water conservation and realized monetary savings for program participants.

Resolution No. 217-25 accepts the grant and authorizes execution of the grant agreement.

Resolution No. 259-25(F) amends the Water and Sewage Systems Revenue Fund Budget to recognize a grant from the South Florida Water Management District and provides appropriations for the Community Water Conservation Program. The Fiscal Year 2025/2026 Water and Sewage Systems Revenue Fund Sustainability budget includes the \$18,750 City match.

**Fiscal Note:**

Approval of this item will accept and recognize a grant from the South Florida Water Management District in the amount of \$18,750. Required City match of same amount is fully budgeted in the FY26 budget.

- 8.7. Resolution No. 225-25 an Agreement between the City of West Palm Beach and The Arc of Palm Beach County for \$80,000 to provide core recreation programs for the special needs population and expertise with inclusion programming.

**Originating Department:**

Parks and Recreation

**Ordinance/Resolution:**

RESOLUTION NO. 225-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE ARC OF PALM BEACH COUNTY, INC., ("ARC") AND THE CITY OF WEST PALM BEACH TO PROVIDE CORE PROGRAMS FOR THE SPECIAL NEEDS POPULATION; PROVIDING FOR CERTAIN FUNDING AND IN KIND SERVICE BY THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

The Arc of Palm Beach County ("The Arc") has had an agreement and received funding from the City of West Palm Beach to provide recreation services to people with disabilities since 1994. The Department of Parks and Recreation would like to continue this service of providing recreation programming to people with disabilities.

The City has annually provided \$80,000 from the general fund to The Arc for services. With this funding, The Arc provides core recreation programs, supplies, and staff. The City provides programming space to The Arc to support these services.

Over the past thirty-one (31) years, the services that The Arc has provided to residents with disabilities have proven to be very successful and beneficial to the families served. Core programs offered by The Arc include, but are not limited to:

1. Youth Camps
  - Winter Break Camp
  - Spring Break Camp
  - Summer Camp
2. Inclusion Assistance for City Camp Programs
3. Inclusion Assistance for City After-School Programs
4. Adult Recreation Activities

The Arc's assistance with the City's inclusion programs has been invaluable as The Arc staff possess the expertise necessary to assess participants with special needs, and the level of services and staffing required to allow for a safe, fun, and fulfilling experience. Additionally,

The Arc performs in-service training with City staff on how best to accommodate participants to ensure a positive inclusionary experience for all.

Resolution No. 225-25 approves the agreement with The ARC of Palm Beach County to provide programs for the special needs population and assist City staff with inclusion programming. This agreement is for three (3) years with an option for two (2) one-year renewals.

**Fiscal Note:**

Approval will allow for special needs and inclusion programming to continue.

- 8.8. Resolution No. 260-25 authorizes the Mayor to execute a Sponsorship Agreement between the City of West Palm Beach and American Legion Post 164, for the Veterans' Day Parade on November 9, 2025, and authorizes the waiver of certain fees in the total estimated amount of \$17,399.32.

**Originating Department:**

Parks and Recreation

**Ordinance/Resolution:**

RESOLUTION NO. 260-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SPONSORSHIP AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND AMERICAN LEGION POST 164, FOR THE VETERANS' DAY PARADE ON NOVEMBER 9, 2025, AND AUTHORIZING THE WAIVER OF CERTAIN FEES IN THE TOTAL ESTIMATED AMOUNT OF \$17,399.32; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

American Legion Post 164 will host the Veterans Day Parade on Sunday, November 9, 2025, from 2:00 PM to 4:00 PM on Clematis Street. The City will receive certain sponsorship benefits in exchange for waiving the Community Event Fees valued at \$2,250 (Permit, Events Staff Fee, and Road Closure Fee); Public Works Fees valued at \$5,001.34 (Labor, Vehicles, and Equipment); Public Utilities Fees valued at \$4,897.98 (Labor and Equipment); and Parking Department Fees valued at \$5,250.

American Legion Post 164 will provide the City a sponsorship valued at \$5,000. Sponsorship benefits will include sponsor mention in all radio spots, press releases, Public Address (PA) announcements. Additionally, the City logo will be in all print advertisements, collateral materials, and the post-event report.

Prior to the event, American Legion Post 164 will pay the City a \$1,000 refundable Special Event security deposit. American Legion Post 164 will

also be responsible for paying costs related to City services, including Police, EMS, and Sanitation. The promoter will provide the City with a \$1,000,000 general liability insurance policy naming the City as additionally insured.

Resolution No. 260-25 authorizes the Mayor to execute a Sponsorship Agreement between the City and American Legion Post 164.

Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

Waiving fees in the total estimated amount of \$17,399.32.

- 8.9. Resolution No. 240-25 authorizing the assessment of City liens in the total amount of \$15,662.47 for unpaid water service, sewer service, and storm water service charges for the month of June 2025.

**Originating Department:**

City Attorney's Office

**Ordinance/Resolution:**

RESOLUTION NO. 240-25: 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 STORM WATER SERVICE CHARGES FOR THE MONTH OF JUNE 2025; 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.

**Background Information:**

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. 240-25 are for unpaid water service, sewer service, and storm water service charges for the month of June 2025.

The list of properties to be assessed and the associated charges totaling \$15,662.47 are provided in Resolution No. 240-25 as EXHIBIT A - Utility Lien List - June 2025.

**Fiscal Note:**

No fiscal impact.

- 8.10. Resolution No. 242-25 accepting the award for the 2025-2026 Decontamination Equipment Grant in the amount of \$19,635 for the purchase of a SCBA washer; and

Resolution No. 245-25(F) recognizing receipt of funds and providing appropriations for the purchase of Fire equipment.

**Originating Department:**

Fire

**Ordinance/Resolution:**

RESOLUTION NO. 242-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING THE AWARD FOR THE 2025-2026 DECONTAMINATION EQUIPMENT GRANT IN THE AMOUNT OF \$19,635 FOR THE PURCHASE OF AN SCBA WASHER.

RESOLUTION NO. 245-25(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2025/2026 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE FIRE ASSESSMENT FEE AND GRANT PROGRAMS SPECIAL REVENUE FUND BUDGETS TO PROVIDE FOR THE RECEIPT OF THE FLORIDA FIREFIGHTER CANCER DECONTAMINATION EQUIPMENT GRANT AND MATCHING CITY FUNDS TO PROVIDE APPROPRIATIONS FOR THE PURCHASE OF A SCBA WASHER; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

The City Commission authorized submittal of an application (Resolution No. 212-22) to the State of Florida, Department of Financial Services for a Firefighter Cancer Decontamination Equipment Grant program.

The State of Florida, Department of Financial Services, has approved the Florida Firefighter Cancer Decontamination Grant application and awarded the City of West Palm Beach Fire Department a grant award in the amount of \$26,180 for the purchase of one (1) SCBA washer.

As a condition of the grant, the City of West Palm Beach is required to contribute 25% of the awarded amount, or \$6,545, in addition to accepting the grant award within thirty (30) calendar days of receipt to participate in the grant program. The grant match will be funded using Fire Assessment Fee funds.

Resolution No. 242-25 accepts the State Grant Award, and Resolution No. 245-25(F) recognizes the funding and provides appropriations for the purchase of the SCBA washer.

**Fiscal Note:**

Approval of this item recognizes and appropriates the grant funds for the purchase of a SCBA Washer for the Fire Department.

- 8.11. Resolution No. 258-25 approving an agreement with American Healthcare Institute (AmHealth) to provide clinical experience with the West Palm Beach Fire Department for students in the AmHealth Emergency Medical Services/Fire program.

**Originating Department:**

Fire

**Ordinance/Resolution:**

RESOLUTION NO. 258-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A STUDENT RIDER AGREEMENT BETWEEN AMERICAN HEALTHCARE INSTITUTE (AMHEALTH) AND THE CITY OF WEST PALM BEACH REGARDING FIELD TRAINING FOR EMT/PARAMEDIC STUDENTS WITH THE WEST PALM BEACH FIRE DEPARTMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

The City of West Palm Beach has cooperated for several years with multiple educational institutions in providing clinical experience for career education students in the Emergency Medical Services/Fire programs.

The City's interest in education allows for economic growth, attracting and retaining a skilled workforce, and improving overall quality of life. Promoting education and training in Emergency Medical Services/Fire career programs allows for field experience for selected students at AmHealth. The City, through its Fire Department, desires to continue to provide assistance in the education and training of students in the "Emergency Medical Service/Fire" program.

Resolution No. 258-25 authorizes the execution of a Student Rider Agreement with American Healthcare Institute (AmHealth) to provide clinical education and training for career education students participating in AmHealth Emergency Medical Services/Fire programs. The term of the Clinical Agreement is for three (3) years.

**Fiscal Note:**

No cost.

- 8.12. Resolution No. 243-25(F) recognizing and appropriating sale of assets proceeds for the purchase of vehicles in Public Works and other departments in the amount of \$145,475.

**Originating Department:**

Public Works & Support Services

**Ordinance/Resolution:**

RESOLUTION NO. 243-25(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2025/2026 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GENERAL FUND BUDGET TO RECOGNIZE SALE OF ASSETS PROCEEDS TO PROVIDE APPROPRIATIONS FOR THE REPLACEMENT OF VARIOUS DEPARTMENT VEHICLES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

In August 2025, the Public Works and Support Services department generated \$145,475 in asset sales revenue. This revenue is intended to replace vehicles/equipment that have been sold at auction.

Resolution No. 243-25(F) recognizes the \$145,475 in asset sales revenue to provide appropriations for the replacement of critical City Fleet vehicles.

**Fiscal Note:**

Approval of this item will recognize additional revenue from the sale of assets that will be used to replace auctioned equipment.

- 8.13. Resolution No. 244-25(F) amending the Fiscal Year 2025/26 Miscellaneous Trust Fund Budget to authorize appropriations of \$160,985 from Federal Law Enforcement Forfeiture Receipts for Law Enforcement investigative expenses.

**Originating Department:**

Police

**Ordinance/Resolution:**

RESOLUTION NO. 244-25(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF THE CITY FUNDS IN FISCAL YEAR 2025/2026 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE MISCELLANEOUS TRUST FUND BUDGET TO PROVIDE APPROPRIATIONS FROM THE FEDERAL LAW ENFORCEMENT FORFEITURE RECEIPTS FOR LAW ENFORCEMENT INVESTIGATIVE EXPENSES OF THE WEST PALM BEACH POLICE DEPARTMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

The Federal Law Enforcement Trust Fund expenditure of \$160,985 will be used to achieve law enforcement objectives in accordance with the statutes and guidelines that govern the Federal Equitable Sharing Program, as set forth in the current edition of the Department of Justice's Guide to Equitable Sharing for State and Local Law Enforcement.

An excerpt from the current Guide to Equitable Sharing explains the permissibility of the proposed use: "Law enforcement, public safety, and detention facilities--costs associated with the purchase, lease, construction, expansion, improvement, or operation of law enforcement, public safety, or detention facilities used or managed by the recipient agency. Examples include the costs of leasing, operating, and furnishing an off-site undercover narcotics facility. Improvements should not be made on leased property or space, since the law enforcement agency will not benefit from the improvements upon the termination of the lease. Agencies must contact MLARS prior to using the Department of Justice equitable sharing funds for all improvement and expansion projects. For example, the construction of a new facility or minor renovations, including drywall, electrical, HVAC replacements, and internal modifications to an existing facility. Expenditures such as lease payments or utilities do not require consultation."

The West Palm Beach Police Department continues to need additional space for investigative personnel. This request will cover the payments required for the leasing of space and continuing operational expenses: \$134,500 Lease Expenses; \$10,010 Electric; \$11,475 Contractual Services; and \$5,000 for maintenance, repairs, and service agreements, as required under the lease agreements.

**Fiscal Note:**

Approval of this item will provide appropriations for Law Enforcement investigative services.

- 8.14. Resolution No. 255-25 accepting the conveyance of property located at 204 and 206 N. Sapodilla Avenue from the West Palm Beach Community Redevelopment Agency for the purposes of redevelopment.

**Originating Department:**

Community Redevelopment Agency

**Ordinance/Resolution:**

RESOLUTION NO. 255-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING THE CONVEYANCE OF A PORTION OF THE PROPERTIES AT 204 AND 206 N. SAPODILLA AVENUE FROM THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY TO THE CITY FOR THE PURPOSE OF CONSOLIDATION AND

REDEVELOPMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

In 1994, the West Palm Beach Community Redevelopment Agency (CRA) acquired the parcels at 204 and 206 North Sapodilla Avenue. These long, narrow parcels were formerly part of a railroad spur and are currently undevelopable on their own.

The City of West Palm Beach owns the adjacent parcel at 202 North Sapodilla Avenue. The CRA proposes to combine the portions of its parcels located within the same block as the City's parcel to create a unified site for redevelopment. This consolidation would enhance the viability and attractiveness of the block for future development proposals.

PROPOSAL

- Transfer CRA-owned parcels (204 and 206 N. Sapodilla Avenue) to the City for consolidation with the City-owned parcel at 202 N. Sapodilla Avenue.
- Establish single ownership under the City to streamline redevelopment efforts and simplify the surplusing process.
- Enable the City to pursue redevelopment consistent with CRA goals and planning objectives.

CONTINGENCY

- If the City determines that the parcels will be used for purposes other than redevelopment, the CRA will reassess the conveyance and determine appropriate next steps.

The West Palm Beach Community Redevelopment Agency companion item for this matter is Resolution No. 25-46.

Location: Downtown City Center CRA District.

Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

No purchase is required resulting in no fiscal impact.

## 9. PUBLIC HEARING

- 9.1. Public Hearing and First Reading of Ordinance No. 5145-25 amending the Code of Ordinances at Chapter 78 to modify conditions for obtaining a special event permit, to add conditions for special event details, and to add authorities for police in situations involving unpermitted special events and special events exceeding the scope of the issued permit.

**Originating Department:**

Police

**Ordinance/Resolution:**

ORDINANCE NO. 5145-25: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES AT CHAPTER 78 (STREETS, SIDEWALKS AND PUBLIC PLACES), ARTICLE VI (SPECIAL EVENTS), SECTION 78-153 (APPLICATION FOR A SPECIAL EVENT PERMIT) TO MODIFY CONDITIONS FOR OBTAINING A SPECIAL EVENT PERMIT; AMENDING ARTICLE VI (SPECIAL EVENTS), SECTION 78-157 (SECURITY) TO ADD CONDITIONS INVOLVING POLICE AND FIRE DETAILS ASSOCIATED WITH SPECIAL EVENTS; AMENDING ARTICLE VI (SPECIAL EVENTS), SECTION 78-161 (VIOLATIONS, ENFORCEMENT; REVOCATION OF PERMITS AND AUTHORITY TO SHUT DOWN EVENTS) TO ADD AUTHORITIES FOR POLICE RESPONSE INVOLVING UNPERMITTED EVENTS AND EVENTS EXCEEDING SCOPE OF THE ISSUED PERMIT; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5145-25 on First Reading and schedule Second Reading for November 10, 2025.

**Background Information:**

Over the past few years, the West Palm Beach Police Department has responded to an increasing number of calls for service involving large unpermitted special events and permitted special events that have operated outside the terms of the permit.

The West Palm Beach Police Department desires to know of special events in advance in order to properly evaluate and staff such events for the purposes of public safety.

The regulation of special events held on public property and on private property has a potential impact on the public realm and on public safety.

Chapter 78 of the City Code of Ordinances regulates, among other things, the conditions required for the issuance of special event permits and any attendant police or fire extra-duty details associated with such permit.

The City of West Palm Beach desires to amend Chapter 78 as set forth to increase public safety by increasing police authority in addressing unpermitted events and permitted events exceeding the scope of the issued permit.

**Fiscal Note:**

No fiscal impact.

## 10. PUBLIC HEARING - QUASI-JUDICIAL

Disclosure of ex-parte communications, if any\*  
Swearing-in of witnesses.

### 10.1. CONTINUATION OF RESOLUTION NO. 249-25 TO THE NOVEMBER 10, 2025, CITY COMMISSION MEETING.

Public Hearing of Resolution No. 249-25: A request by John Roach, AICP, of Gunster, on behalf of Huizenga Holdings, Inc., for a Major Amendment to The Marina Commercial Marine Planned Development (CMPD) to modify The Marina Design Guidelines.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 249-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE MARINA COMMERCIAL MARINE PLANNED DEVELOPMENT, GENERALLY LOCATED EAST OF NORTH FLAGLER DRIVE, BETWEEN METCALF COURT AND 44TH STREET, TO MODIFY THE MARINA DESIGN GUIDELINES; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

I move to continue consideration of Resolution No. 249-25 to the commission meeting scheduled to begin at 5:00 p.m. on November 10, 2025, at the City of West Palm Beach City Hall Commission Chambers, 401 Clematis Street, West Palm Beach, Florida 33401.

10.2. CONTINUATION OF RESOLUTION NO. 252-25 TO THE NOVEMBER 10, 2025, CITY COMMISSION MEETING.

Public Hearing of Resolution No. 252-25: A request by John Roach, AICP, of Gunster, on behalf of Huizenga Holdings, Inc., for a Level III Site Plan Review for the development of Permissible Building Areas (PBAs) #4, #8, #9 and #10 within The Marina CMPD, for the construction of 259 multifamily dwelling units, amenity guest suites; private/semi-private club, offices, crew amenities, retail and marina storage uses.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 252-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RELATING TO THE MARINA COMMERCIAL MARINE PLANNED DEVELOPMENT GOVERNED BY RESOLUTION NO. 20-14; APPROVING A LEVEL III SITE PLAN PURSUANT TO RESOLUTION 20-14 AND THE MARINA DESIGN GUIDELINES TO ALLOW THE CONSTRUCTION OF 259 MULTIFAMILY DWELLING UNITS, AMENITY GUEST SUITES, PRIVATE/SEMI-PRIVATE CLUB, OFFICES, CREW AMENITIES, RETAIL AND MARINA STORAGE USES WITHIN PERMISSIBLE BUILDING AREAS #4, #8, #9 AND #10; INCLUDING WAIVERS AND LOCATED EAST OF NORTH FLAGLER DRIVE, BETWEEN METCALF COURT AND 44TH STREET; DECLARING THE SITE PLAN TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY AND THE REQUIREMENTS OF SECTION 94-35 OF THE CITY'S ZONING AND LAND DEVELOPMENT REGULATIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

I move to continue consideration of Resolution No. 252-25 to the commission meeting scheduled to begin at 5:00 p.m. on November 10, 2025, at the City of West Palm Beach City Hall Commission Chambers, 401 Clematis Street, West Palm Beach, Florida 33401.

**Fiscal Note:**

No fiscal impact.

- 10.3. Public Hearing and Second Reading of Ordinance No. 5144-25 regarding the rezoning of approximately 3.011 acres located at 5400 North Flagler Drive from Multifamily High Density Residential (MF32) to Residential Planned Development (RPD); and

Resolution No. 216-25 regarding the establishment of the development regulations and conditions for the 5400 North Flagler Drive Residential Planned Development, and granting waivers of the Zoning and Land Development Regulations.

The above-referenced requests are being made by Tyler Woolsey of Urban Design Studio and Brian Seymour of Gunster Law on behalf of 5400 North Flagler Limited Partnership for the creation of the 5400 North Flagler Drive Residential Planned Development.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 5144-25: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF WEST PALM BEACH TO REZONE THE APPROXIMATELY 3.011 ACRES OF A PROPERTY LOCATED GENERALLY AT 5400 NORTH FLAGLER DRIVE, FROM MULTIFAMILY HIGH-DENSITY RESIDENTIAL ZONING DESIGNATION TO RESIDENTIAL PLANNED DEVELOPMENT; DECLARING THIS ZONING MAP AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REVISING THE ZONING MAP OF THE CITY ACCORDINGLY; GRANTING AN ACREAGE WAIVER TO THE ZONING AND LAND DEVELOPMENT REGULATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 216-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ESTABLISHING THE DEVELOPMENT REGULATIONS, INCLUDING THE SITE AND LANDSCAPE PLANS AND BUILDING ELEVATIONS, FOR THE 5400 NORTH FLAGLER RESIDENTIAL PLANNED DEVELOPMENT LOCATED AT 5400 NORTH FLAGLER DRIVE; GRANTING WAIVERS TO THE ZONING AND LAND DEVELOPMENT REGULATIONS; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Ordinance No. 5144-25, a rezoning to change approximately 3.011 acres from a Multifamily High Density (MF32) Residential designation to a Residential Planned Development, including an Acreage Waiver, to create the 5400 North Flagler Drive Residential Planned Development.

This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and the findings that the rezoning is consistent with the Comprehensive Plan and does comply with the standards found in Section 94-32 of the City's Zoning and Land Development Regulations. The City Commission finds that particular circumstances justify the reduction of the planned development acreage to less than 10 acres and that the requirements for the planned development district zoning and the benefits to be derived from the planned development district zoning can be derived in such a lesser area.

Deny Resolution No. 216-25, regarding the establishment of the Development Regulations and conditions for the 5400 North Flagler Drive Residential Planned Development, and granting waivers of the Zoning and Land 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 findings that the site plan Level III is not consistent with the Comprehensive Plan and does not comply with all the standards found in Section 94-32(a) specifically standards 3 and 8, and does not comply with all the standards found in Section 94-35(c) specifically standards 1,3,4,6,9 and 15 of the City's Zoning and Land Development Regulations.

Alternative motion if the City Commission moves for approval:

Approve Resolution No. 216-25, regarding the establishment of the Development Regulations and conditions for the 5400 North Flagler Drive Residential Planned Development, and granting waivers of the Zoning and Land 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 findings that the site plan Level III is consistent with the Comprehensive Plan and complies with all the standards found in Section 94-32(a) and Section 94-35(c) of the City's Zoning and Land Development Regulations.

**Background Information:**

The subject property, located at 5400 North Flagler Drive, West Palm Beach, Florida, comprises a single parcel totaling approximately 3.011 acres (131,174 square feet). Of this, approximately 2.448 acres (106,634 square feet) consist of upland area, with the remaining 0.562 acres (24,480 square feet) being submerged land contiguous to the Intracoastal Waterway.

Positioned on the east side of North Flagler Drive, the site lies between Brian H. Chappell Park (to the north) and single-family residential properties (to the south). It has direct frontage along North Flagler Drive, which also serves as the sole point of vehicular access (ingress/egress) and fronts the intracoastal to the east. The property was originally constructed in 1966 and contains two (2) three-story multifamily residential buildings known as the Poinsettia Club Apartments, totaling 72 units. The existing development also includes surface parking, a swimming pool, and a tennis court.

It is important to note that Northwood Harbor Historic District is situated across North Flagler Drive to the west. Only two (2) of the district's 372 contributing structures are located on the section of North Flagler Drive between 53rd and 54th Streets.

### NORTH FLAGLER DRIVE STUDY

The North Flagler corridor, and specifically the waterfront properties along North Flagler Drive, have been a desirable location for high-rise residential for a long time. Buildings like Placido Mar (255 feet high and 26 stories) and Palm Beach house (283 feet high and 30 stories) have been part of the north end skyline since the 1970s.

In recent years, the interest in the redevelopment of the North Flagler Drive corridor for the construction of high-end residential buildings has increased. Several new buildings, such as the Icon Marina (256 feet in height and 24 stories), Alba (235 feet in height, 21 stories), and Apogee (235 feet in height, 21 stories) have been approved or already under construction within the area.

Due to the impact of the new high-rise residential buildings being proposed along the corridor, and to promote regulated growth while preserving the character of the North Flagler corridor, City staff have led the effort to shape the vision for the North Flagler Drive corridor and its corresponding zoning and land development regulations. As such, the City Commission approved Ordinance No. 5139-25 at their September 2, 2025, meeting adopting the North Flagler Overlay District (NOFOD) providing specific zoning regulations, specifically regulating setbacks, maximum building heights and building scale, for the section on North Flagler Drive between 44th Street to the south, 59th Street to the north, along the east side of North Flagler Drive.

A full description of the North Flagler Drive study, including its timeline and impact on the subject application, is available in the Staff Report.

## ANALYSIS

The applicant requests the rezoning of the subject property from Multifamily High Density Residential (MF32) to Residential Planned Development (RPD) in accordance with the Zoning and Land Development Regulations (ZLDRs). As part of this request, the applicant is also seeking specific waivers from applicable ZLDR provisions to facilitate the proposed development.

The proposed project involves the redevelopment of the subject site with a 97-unit multifamily residential condominium building. The building is composed of two (2) primary components: a podium and a residential tower. The podium rises approximately 30 feet from average grade and includes two (2) levels of parking and mechanical rooms. The valet parking and the main lobby are located on the third level, as well as residents' amenities.

The residential tower extends above the podium, resulting in a building structure height of 360 feet and 31 stories. The total building height is 380 feet, which includes 20 feet allocated for rooftop mechanical equipment. The building comprises of a total of 97 residential units, including two (2) townhouse units, located at the ground floor along the east side of the building. The proposed Residential Planned Development (RPD) zoning and associated waivers are intended to allow enhanced design flexibility and to support the integration of a high-rise residential building that is compatible with the surrounding urban context.

## OVERALL SITE DESIGN

As previously stated, the proposed development features a 31-story residential tower with integrated structured parking. The design accommodates both residential and parking functions within the same structure. On the east side of the site, the project includes a pool and beach lounge area, offering access to recreational amenities for future residents. The development also proposes landscaping and buffer treatments along North Flagler Drive, as well as along the property's northern and southern boundaries, providing visual screening, privacy, and a natural wind and sound barrier.

## BUILDING DESIGN

The residential tower is centrally positioned on the site, with a building height of 360 feet. The tower is designed with tiered massing, beginning with a two-level structured parking podium measuring approximately 30 feet in height from the average grade, and containing a total of 202 parking spaces.

Atop the podium, the third level serves as the main entry point for residents and guests, featuring the primary lobby access, an additional five (5) parking spaces, and a circular drop-off and pick-up area. The entire parking structure is fully enclosed, providing secure and weather-protected parking for residents.

On the west side of the property, fronting North Flagler Drive, a circular structural ramp provides vehicular access from the ground level to the second-floor parking, and ultimately to the top level of the podium. To minimize the visual impact and massing of the ramp along the property frontage, the design incorporates extensive landscaping as an attempt to blend in the structure within the streetscape.

### OPEN SPACES

The Project includes designed private open spaces and pedestrian pathways surrounding the building, providing connectivity and direct access throughout the site. The arrival experience begins atop the podium at the third level, offering an entry plaza that serves as the main access for residents and guests in the main lobby. This elevated space is anchored by a central water feature and framed by visitors and valet parking stalls. East of the water feature, the residential lobby provides access to the Intracoastal Waterway and serves as a connection to the project's waterfront amenities. The east façade of the tower is designed with distinct amenity spaces on each floor, and oriented to capture views of the waterfront. At ground level, the pool deck includes a resident-only beach club, featuring landscaping, planter areas, and a series of open-air cabanas for the use of residents.

### ACCESS

Vehicular access to the site is provided via two driveways off North Flagler Drive. The northern driveway is restricted to service and loading operations, providing direct access to a recessed loading zone. The southern driveway serves as the primary access point for residents, guests, and visitors. This entrance includes: access to the ground-floor parking level for residents only; a looped entry ramp that circulates vehicles to the second-level garage entry, also gated for resident-only use; and direct access to the third-level arrival plaza, which includes temporary parking and valet operations to accommodate residents and their guests.

In addition to vehicular access, the site was designed with three (3) pedestrian connections to the sidewalk along North Flagler Drive. However, no further activation at the frontage along North Flagler Drive has been provided. The central pedestrian entry features a staircase and an ADA-accessible lift, providing direct access to the third-level arrival plaza. Additional pedestrian walkways are located along the north and

south sides of the building, offering controlled access for residents and guests to the site and its waterfront amenities, while maintaining clear separation from vehicular circulation areas.

### PARKING & LOADING

The Project provides a total of 207 parking spaces, including all required accessible, temporary, and valet spaces located on the arrival plaza deck, as well as residential parking within the structured garage. The parking plan has been designed to serve residents, guests, staff, and service providers, ensuring the Project satisfies standard functional and operational requirements.

Loading operations are accommodated via a dedicated service drive along the north side of the site, which provides access to a recessed loading and service zone at the northwest corner of the building. Additionally, the Project includes a dedicated bicycle storage room with ten (10) bicycle parking spaces, located on the first level of the parking garage. While the loading operations are reasonably functional, staff have expressed concerns regarding the overall parking layout and the configuration of the access driveways connecting the parking area to the street. In an effort to maximize the number of residential units, the design fully utilizes the available podium space, necessitating the relocation of the circular ramp outside the enclosed structure.

Although the applicant presents the exterior ramp as an architectural feature intended to enhance the building's frontage, staff finds that the design significantly increases the building's massing at the front of the property while limiting the potential to activate the North Flagler Drive frontage with spaces intended for human occupation rather than vehicular-oriented uses. As a result, the configuration contributes to an uninviting visual presence and creates an unwelcoming environment for both pedestrians and the adjacent single-family residential neighborhood.

### LANDSCAPE & BUFFERING

The site is bordered by North Flagler Drive to the west, the Intracoastal Waterway to the east, Brian H. Chappell Park to the north, and existing residential uses to the south. Surrounding properties are either developed with or designated for compatible residential future land use (FLU). The Project incorporates landscape buffers ranging from five (5) to twenty (20) feet in width along the north and south property lines, as well as a 25-foot-wide buffer along North Flagler Drive.

These buffers are designed to offset and counterbalance the visual massing of both the building and the circular vehicular ramp, which are set back only 25 feet from the front property line. The landscape

treatment serves to soften the overall appearance of the development and enhance compatibility with the surrounding streetscape.

On the east side of the site, within the waterfront landscape buffer, the Project proposes a resident-only beach club as an amenity, featuring a combination of landscaped, hardscaped, and beach-scaped areas for the use of residents. The north and south buffers utilize a tiered planting design that includes a mix of canopy trees and palms to screen the parking podium from adjacent properties.

#### SPECIAL ANALYSIS: PARKING, CIRCULAR RAMP & IMPACT ON OVERALL DEVELOPMENT

To address site circulation and parking requirements, the applicant has proposed a two-story podium structure to accommodate vehicular parking and back of the house services, along with a large circular vehicular ramp approximately 28 feet in height and 92 feet in diameter. The circular ramp is located 25 feet from the front property line along North Flagler Drive and is designed to connect the ground-level vehicular entry to the second-level parking garage and the third-level valet parking and drop-off/pick-up area fronting the main lobby.

Although partially screened from direct pedestrian view by dense landscaping, the ramp remains a stark contrast to the adjacent single-family homes and the established historic architectural character of the area. Its scale and visibility create a significant visual impact not found elsewhere along the corridor. Moreover, this circular ramp could have been more appropriately internalized within the building's massing, rather than positioned as a dominant feature along the street frontage. The impact is further exacerbated by the lack of active use at the ground level. Aside from vehicular and pedestrian access points screened by an extensive landscaping liner, the building frontage consists primarily of a blank wall serving as a mechanical room, offering no architectural interest or engagement with the street.

As a result, the proposed design compromises the pedestrian experience along this section of North Flagler Drive. The lack of active frontage, combined with the uninviting architectural treatment and absence of meaningful interaction with the street, undermines the intended vision for a vibrant, pedestrian-oriented corridor that complements the surrounding residential and historic neighborhood character.

While the applicant has stated that the proposed development introduces innovative design and architectural features intended to enhance the North Flagler corridor, staff acknowledges and supports the intent behind this design innovation. However, such innovation must not come at the expense of contextual sensitivity, nor should it result in negative impacts to the residential neighborhood located directly across the street, or to the

abutting single-family properties immediately to the south. Development along the corridor must continue to reflect a balance between architectural advancement and respect for the surrounding residential context.

### RECOMMENDATION

Staff is recommending approval of the rezoning request under Ordinance No. 5144-25. Staff is not in support of the Development Regulations under Resolution No. 216-25. Furthermore, it is staff's professional opinion that a redesign of the podium floor plan, including the relocation of the vehicular ramp, activation of the ground floor along the Flagler frontage, and a reduction in the overall tower height would mitigate the negative impacts of the proposed development on the adjacent residential neighborhood. These modifications would enhance the project's compatibility with surrounding properties and better align with the City's vision for the North Flagler corridor. This would present a development project proposal that is more in harmony with the existing character of the adjoining and surrounding properties.

### LIST OF WAIVERS

The four (4) waivers required by the project are listed below:

- **Waiver # 1:** Section 94-207.c.2 / Required RPD acreage - 10 acres required; 3.011 acres (submerged lands included) requested.
- Recommendation: APPROVAL
- **Waiver # 2:** Section 94-309 (f) / Required Submerged Land Density Calculation - The density attributed to submerged land shall be allowed to be utilized with upland density. The number of units allowed to be added to the upland density is the least 75 percent of the density attributed to the submerged land or 12½ percent of the upland density; To allow the utilization of 100% of density attributed to submerged lands for the calculation of maximum residential density is requested.
- Recommendation: APPROVAL
- **Waiver # 3:** Sections 94-241 (Table VIII-1) and 94-77(a)(3) – Minimum Building Setbacks – Setback Waiver Tables in Resolution No. 216-25 list the specific waivers. Planning staff does not support the proposed side setbacks in result of the overall building height.
- Recommendation: DENIAL

- **Waiver # 4:** Section 94-312(2)(a) / Required Minimum Separation Distance of Access Points - 125 feet and 50 feet, respectively; Minimum Separation Distance of Access Points provided - 67 feet and 26 feet, respectively.
- Recommendation: APPROVAL

The full background for the waiver requests can be found in the Planning Board Staff Report.

### STANDARDS

The Planning Board found that particular circumstances justify the reduction of the minimum acreage required for a Planned Development (PD) to less than ten (10) acres, and concluded that the intent and benefits of PD zoning can still be achieved within this smaller area. Both the Planning Division and the Planning Board determined that the proposed rezoning of approximately 3.011 acres, from a Multifamily High-Density Residential designation to a Residential Planned Development (RPD), including an acreage waiver, to allow the development at 5400 North Flagler Drive, meets all eight (8) amendment standards set forth in Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations (ZLDR).

However, Planning staff has found that the requested side setbacks outlined in Waiver #3 do not meet all eight (8) of the required amendment standards, specifically Standard No. 4, *Inconsistency with Surrounding Land Uses*, and Standard No. 8, *Logical Development Pattern*.

In support of the proposed 360-foot-tall tower and the associated setback waivers, the applicant has provided a list of design elements in their justification statement, which they believe mitigate the impacts of the building's height and, consequently, reduce the extent of the waivers required.

However, staff does not concur with this assessment. Staff maintains that no combination of architectural or design elements sufficiently mitigates the overall height of the building in the context of the surrounding properties and the intended development pattern for this section of North Flagler Drive. The proposed height remains incompatible with the established and planned character of the corridor and adjacent residential areas. Additionally, staff believes that the proposed building height significantly affects the appropriateness of the requested side setback waivers and intensifies the scale and mass of the development in a manner that is not adequately offset by the proposed setbacks. Additionally, staff finds the proposed setbacks, in relation to the proposed height, to be insufficient to mitigate the visual and spatial impacts on neighboring properties.

Furthermore, the proposed building height is not consistent with the City's vision for the future development of the North Flagler corridor, which emphasizes context-sensitive scale and design to ensure compatibility and enhance the corridor's character.

It is staff's professional opinion that the development project proposal can be redesigned reducing the proposed building height to account for the existing development (primarily the existing residential structures) within the immediate area and adjacent to the subject site. Furthermore, if approved at a total height of 360 feet, 5400 North Flagler would be the second-tallest building along the entire North Flagler corridor, second only to Marina Village (Rybovich), which stands at 399 feet, but located on a much larger site.

Based on the established development pattern along this section of North Flagler Drive, exemplified by the City Commission's approval of the Apogee, with 235 feet in height, and Alba developments, with 235 feet in height, staff finds insufficient justification to support granting a building height of 360 feet alongside the extensive side setback waivers that would be required. The requested setbacks resulting from the proposed building height are inconsistent with the character and scale of nearby developments.

Staff has determined that a reduction in overall building height would bring the project into better alignment with the ZLDR standards and the goals and objectives of the City's Comprehensive Plan. Furthermore, staff believe that the lack of active uses at the frontage and the presence of a blank wall along the front of the development are detrimental to the North Flagler corridor and negatively impact the surrounding community.

Staff's analysis of the above-referenced standards is detailed in the Planning Board Staff Report.

### PLANNING BOARD

The Planning Board recommended approval (5-0) of the request to the City Commission following a Public Hearing held on August 19, 2025. At that meeting, the Board recommended approval of all four (4) waiver requests, as well as the development regulations outlined in Resolution 310-21. This recommendation was based on the justifications provided by the applicant, including that the proposed development is consistent with the character of the surrounding neighborhood and that the proposed height is appropriate for the North Flagler corridor.

Additionally, the Planning Board found that the proposal complies with all eight (8) amendment standards specified in Section 94-32 of the City of

West Palm Beach Zoning and Land Development Regulations. The recommendation of approval is subject to the condition that the applicant shall work with City staff to identify and implement strategies to activate the building frontage along North Flagler Drive.

On September 5, 2025, during a meeting with staff, the applicant proposed activating the frontage through the inclusion of a designated bike area and pet grooming services for residents only. However, no updated plans reflecting these proposed changes have been submitted to the Planning and Zoning Division for further review.

On September 1, 2025, the City Commission unanimously approved (5-0) the North Flagler Overlay District (NOFOD), establishing a set of targeted regulations and policies to guide future development along the North Flagler corridor. Among its key components, the NOFOD prohibits new Residential Planned Development (RPD) applications, thereby supporting the preservation of neighborhood character and promoting sustainable, context-sensitive growth within the corridor. Though the 5400 North Flagler application is not subject to the NOFOD regulations, the compatibility principles established by the overlay are universal and still applicable to the proposed residential planned development.

On September 30, 2025, the City Commission approved (5-0) of all four (4) waiver requests, as well as the development regulations outlined in Resolution 310-2. This recommendation was based on the justifications provided by the applicant, including that the proposed development is consistent with the character of the surrounding neighborhood and that the proposed height is appropriate for the North Flagler corridor.

Additionally, the City Commission found that the proposal complies with all eight (8) amendment standards specified in Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations. The recommendation of approval is subject to the condition that the applicant shall keep working with City staff to identify and implement strategies to activate the building frontage along North Flagler Drive.

#### NOTICE

Individual notices were mailed to all property owners within 500 feet of the proposed 5400 North Flagler Drive RPD. Signs for the Major Amendment were posted on the property on July 28, 2025.

Commission District 1: Commissioner Cathleen Ward.

- 10.4. Public Hearing of Resolution No. 228-25 regarding a special site plan review request to construct an eight (8) story multi-family development consisting of 167 residential units at 2900 Broadway, with waivers and variances from the City's Zoning and Land Development Regulations.

The above-referenced request is being made by Liam McGuire of MPLD Consulting, on behalf of Broadway Northwood, LLC.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 228-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SPECIAL SITE PLAN REVIEW OF THE DEVELOPMENT PROPOSAL CONSISTING OF A MIXED USE DEVELOPMENT WITH 167 MULTIFAMILY RESIDENTIAL UNITS, WHICH INCLUDES WORKFORCE HOUSING UNITS, ON THE SUBJECT PROPERTY LOCATED AT 2900 BROADWAY; GRANTING THE WAIVER AND VARIANCE REQUESTS FROM THE PROVISION OF SECTIONS 94-220 (b)(4), 94-220 (f)(1), 94-220 (d)(7), 94-443(d)(2)(a), SEC. 94-443(d)(1), 94-443(d)(1)(c), 94-485 (n)(1)(c) OF THE CITY OF WEST PALM BEACH, FLORIDA ZONING AND LAND DEVELOPMENT REGULATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 228-25, based on the findings that the project, subject to the conditions set forth in the Resolution, complies with the Variances and Waivers Standards established by Section 94-552 (g) of the Zoning and Land Development Regulations;

or alternative motion;

Deny Resolution No. 228-25, based on the findings that the project, subject to the conditions set forth in the Resolution, does not comply with the Variances and Waivers Standards established by Section 94-552 (g) of the Zoning and Land Development Regulations.

**Background Information:**

(FULL DETAILS ARE PROVIDED IN THE STAFF REPORT.)

**BACKGROUND AND ANALYSIS**

The subject property is located on the east side of Broadway, between 29th Street and north of 28th Street. The subject property is ±0.72 acres, with a requested right-of-way abandonment of the southern half of 29th Street, which totals 3,125 square feet. The existing uses surrounding the site include single-family, multi-family, and rehab facility.

The property is located within the Broadway Mixed-Use District - Building Type I ("BMUD I"). The application was filed under the previous BMUD-I zoning designation, which is now unified with BMUD-II and renamed Broadway Mixed-Use District (BMUD). The subject property, which was previously occupied by a children's foster home, has been vacant for almost twenty (20) years.

### PROJECT DESCRIPTION

The project request includes an eight (8) story multi-family development with 40% workforce housing, which consists of a total of 167 residential units. The building, which emulates the Art Deco architectural style, will include underground level parking, as well as ground-floor level parking with residents' co-working space, amenity club, and leasing area. Above the ground floor level is an additional seven (7) stories of residential units, with the amenities deck on the 8th floor. The vehicular ingress/egress point to the building will be on the southern portion of the site along 28th Street, which is accessed at the ground floor level and leads to an additional parking level below. The ground floor layout and vehicular ingress/egress points are shown on the Site Plan.

The residential building offers units on all sides of the building with internal courtyards, shared and private patios oriented towards the eastern side of the building. According to the Justification Statement, the height of the building will be 84 feet in height, which is four (4) feet below the allowable height provided in Table XVII-1 for affordable and workforce housing. Staff's analysis of the ZLDRs is provided in Section VI of the staff report.

### WAIVER REQUESTS

A variance is departure from the dimensional or numerical requirements of the ZLDRs, where such variance will be contrary to the public interest. Pursuant to Sec. 94-551 (6) of the ZLDRs, applications for local workforce housing developments not in compliance with Sec. 94-551 because the project requires a variance or waiver of setback, landscape, and parking requirements shall be submitted to the City Commission for Special Site Plan Review. Additionally, projects are eligible for variances or waivers for setback, landscaping, and/or parking regulations in accordance with Section 94-552 (g)(3). The applicant's list of requested variances is provided in Table 1 below:

**TABLE 1**  
**Waiver Requested: Sections 94-220 (b)(4), 94-220 (f)(1), 94-443(d)(1), 94-443(a)(2)(c), 94-443(d)(2)(a) & 94-443(d)(2)(e)**

	ZLDRs Sections	Required	Provided	Waiver Requested
<b>V1</b>	Sec. <a href="#">94-220 (b)(4)</a> Building Rear Setback	15 ft. min.	10 inches	<b>14 ft. 2 in.</b> reduction 95 %
<b>V2</b>	<a href="#">Sec. 94-220 (f)(1)</a> Required parking spaces per unit	167 parking stall	135 parking stalls	<b>32 parking stalls</b> reduction 19%
<b>V3</b>	Section 94-485 (n)(1)(c) Small car parking	41 parking stalls (30% max. of parking)	61 parking stalls 45	<b>20 parking stalls</b> increase 15%
<b>V4</b>	Sec. 94-443(d)(1)(c) Number of Landscape Buffer Shade Trees	30 trees	2 trees	<b>28 trees</b> reduction 93%
<b>W1</b>	Sec. 94-443(d)(2)(a) <a href="#">Number of Shade Trees per dwelling units</a>	101 trees (excludes 40% attributed to WFH)	0 trees	<b>100%</b> reduction
<b>W2</b>	Sec. 94-443(d)(1) Landscape Buffer	275 feet 10' width (west)	0ft length	<b>100%</b> reduction
<b>W3</b>	Sec. 94-443(d)(1) Landscape Buffer	275 ft. length 5 ft width (east)	0 ft length	<b>100%</b> reduction
		125 feet 5' width (north)	0 ft length	<b>100%</b> reduction
		125 feet 5' width (south)	0 ft length	<b>100%</b> reduction

<b>W4</b>	Sec. 94-220 (d)(7) Mechanical System Screening	Required on all sides from view	0ft length	<b>100%</b> reduction

The four (9) variances and waivers required by the project are listed below:

- Variance # 1:** ZLDRs Sections 94-220 (b)(4) – Building Rear Setback: The applicant is requesting a variance reduction of 14 feet and 2 inches from the 15 feet rear setback requirements for the development.
- Variance # 2:** ZLDRs Sections 94-220 (f)(1)/ Required Parking Spaces Per Unit: The development has 167 units, thus requiring 167 spaces, of which the applicant will provide a reduced total of 135 parking stalls.
- Variance # 3:** ZLDRs Sections 94-485 (n)(1)(c) / Small Car Parking: Per Section 94-485 of the ZLDRs, if the total parking requirement is more than 100 spaces, 30% of the spaces may be designated for small car use. The applicant has requested a 15% increase in the quantity from 41 to 61 small car parking stalls.
- Variance # 4:** ZLDRs Sections 94-443(d)(1)(c)/ Landscape Buffer Shade Trees: at least one (1) shade or flowering tree shall be planted in a required buffer for each 30 linear feet. The total length along the four (4) sides of the property is 750 feet, which would require the minimum provision of 25 shade trees. With the elimination of the landscape buffer on all four sides, the applicant is requesting a waiver from this provision.
- Waiver # 1:** ZLDRs Sections 94-443(d)(2)(a) / Number of Shade Trees Per Dwelling Units: In addition to the number of trees required for the landscape buffer, the ZLDRs requires at least one shade or flowering tree for each dwelling unit for multi-family residential structures with six (6) or more units per structure. The development, which has 167 units, would therefore require an additional 167 trees on site. The applicant was given consideration with regard to waiving the provision of a percentage of trees relative to the quantity of workforce housing. No trees were provided for this request; therefore, staff is recommending a denial of the requested waiver.

- **Waiver # 2 & 3:** ZLDRs 94-443(d)(1)– Landscape Buffer: For multifamily residential uses adjacent to a public thoroughfare, the landscape buffer must be at least ten (10) feet in width for properties that contain five (5) or more multifamily dwellings. Additionally, a landscape buffer of at least five (5) feet in width is also required along the multi-family residential use and the adjacent properties. The 10-foot wide buffer would therefore be required along Broadway and the 5-foot wide buffer along the north, south, and eastern portions of the site. The applicant is requesting a waiver from the provision on all four sides of the subject property.
- **Waiver # 4:** ZLDRs 94-220(d)(7) / Mechanical System Screening: Mechanical systems shall be screened from view on all sides to the full height of the structure by landscaping or built elements designed as an integral part of the building architecture. The applicant is requesting the placement of two (2) transformers, a transformer switch, and an above-ground water meter along the northern side of the property. The mechanical systems are proposed within the portion of the site for which the applicant has requested the abandonment of a portion of right-of-way along 29th Street. In addition, the applicant is requesting to waive the requirement for landscape screening within this area and provide fencing around the area.

The full background for the waiver requests can be found in the Planning Board Staff Report.

### CONCLUSION

Based on the analysis and findings above, it is staff's opinion that the proposed development, requested waivers and variances is not consistent with the required standards of the ZLDRs. Staff is therefore recommending denial of the requests.

### NOTICES

Pursuant to the requirements of Sections 94-39(i)(5) and 94-39(j) of the City's Code of Ordinances, individual notices were mailed to property owners within 500 feet of the subject property, the site was posted, and the resolution was advertised in the Palm Beach Post. To date, the City has not received any inquiry regarding the general nature of this request.

Commission District 1: Commissioner Cathleen Ward.

### **Fiscal Note:**

No fiscal impact.

- 10.5. Public Hearing of Resolution No. 229-25: A request submitted by Liam McGuire of MPLD Consulting, on behalf of Broadway Northwood, LLC., for a right-of-way abandonment of a 25-foot wide (3,125 square foot) parcel, which consists of the south one half of 29th Street, which is contiguous and north of Lot 10 for a work-force housing development.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 229-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, VACATING AND ABANDONING THE SOUTHERN HALF OF A PORTION OF 29TH STREET RIGHT-OF-WAY, CONSISTING OF APPROXIMATELY 0.07 ACRES, (3,125 SQUARE FEET) IN SIZE, LOCATED EAST OF BROADWAY AND WEST OF SPRUCE; AUTHORIZING EXECUTION OF A DISCLAIMER OF INTEREST IN THE AFORESAID RIGHT-OF-WAY UPON COMPLIANCE WITH CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 229-25.

**Background Information:**

ABANDONMENT OF A PORTION OF RIGHT-OF-WAY

Liam McGuire of MPLD Consulting, on behalf of Broadway Northwood, LLC., the “applicant”, submitted a request for a right-of-way abandonment of a 25-foot wide (3,125 square foot) parcel, which consists of the south one-half of 29th Street, which is contiguous and north of Lot 10. To provide for redevelopment of the site, the applicant is proposing a separate application for the right-of-way abandonment of the southern half of 29th Street, which abuts the northern portion of the subject property. Along with the proposed abandonment, the applicant is proposing to reopen access to Broadway and make the accessible portion of 29th Street a two-way roadway. The applicant is requesting the abandonment to aid with vehicular circulation for the site as well as the neighboring property to the north. In addition, the area proposed for abandonment will be utilized by the project to locate their required site drainage and mechanical equipment, such as back flow preventor, FPL transformer.

The applicant's request is concurrent with Resolution No. 228-25 under the Live Local Act for Workforce Housing. Due to the quantity of units and required parking provided on site, the building occupies almost every square foot of the subject property with no open space. Despite staff supporting the requested abandonment, no trees were provided on all

four (4) sides of the property, with only two (2) trees proposed within the abandonment.

Staff supports the abandonment of the right-of-way but recommends the proposed mechanical equipment be relocated on site to allow the abandoned right-of-way to be utilized as a small pocket park for the community.

#### COMPENSATION TO THE CITY

The Developer agrees to compensate the City in the amount of \$130,000 as the value for the partial alley right-of-way to be abandoned, as estimated by an appraisal conducted by Anderson & Carr, Inc., dated September 27, 2024.

#### STANDARDS

Staff found that the requested abandonment complies with the abandonment criteria of Section 78-217 of the City's Code of Ordinances.

#### PUBLIC NOTICE

Pursuant to the requirements of Section 78-215(b) of the Code of Ordinances, individual notices were mailed to all property owners within 400 feet of the subject right-of-way, and signs were also posted in the vicinity of the subject right-of-way on September 29, 2025.

Resolution No. 229-25 approves the abandonment of the subject area conditioned upon: (1) receipt within twelve (12) months of the \$130,000 compensation; (2) development approval of the applicant's proposed workforce housing project; and (3) applicant's relocation of the City's utilities at applicant's cost.

Commission District 1: Commissioner Cathleen Ward.

#### **Fiscal Note:**

The consideration of \$130,000 is to be paid by the applicant to the City.

- 10.6. Public Hearing of Resolution No. 248-25: A Special Site Plan Review request by Tyler Woolsey of Urban Design Studio along with Spina O'Rourke & Partners, on behalf of the City of West Palm Beach and VDG Land Co. LLC, to allow for a multi-family residential development consisting of 155 residential units (which includes 79 workforce housing units) on the subject property located within the Multifamily High Density Residential (MF32) zoning district with a waiver request and variance requests from the City's Zoning and Land Development Regulations.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 248-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SPECIAL SITE PLAN REVIEW REQUEST FOR A MULTI-FAMILY RESIDENTIAL DEVELOPMENT PROPOSAL CONSISTING OF A TOTAL OF 155 UNITS (WHICH INCLUDES 79 WORKFORCE HOUSING UNITS) ON THE SUBJECT PROPERTY COMPRISED OF THREE (3) PARCELS LOCATED ON THE EAST SIDE OF NORTH AUSTRALIAN AVENUE, SOUTH OF 25TH STREET, AND NORTH OF NORTH MANGONIA DRIVE, CONTAINING A TOTAL OF APPROXIMATELY 2.46 ACRES (107,137.15 SQUARE FEET); GRANTING A WAIVER REQUEST AND VARIANCE REQUESTS FROM THE CITY OF WEST PALM BEACH, FLORIDA ZONING AND LAND DEVELOPMENT REGULATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 248-25 based on the findings that the proposed workforce housing development project, with the 12 conditions set forth in the resolution, complies with the Affordable and Workforce Housing Overlay (AWHO) Program Standards established in Section 94-552 of the City's Zoning and Land Development Regulations.

**Background Information:**

The subject site is approximately 2.46 acres located within a Multifamily High Density Residential (MF32) zoning district on the east side of North Australian Avenue. The subject site is comprised of three (3) separate parcels that contain an existing office building and vacant lots.

Specifically, the proposed development project includes an eight-story multifamily residential building with 155 dwelling units, of which 79 are designated workforce housing units.

Additionally, the applicant requests a waiver from subsection 94-443(c)(1) of the City's Zoning and Land Development Regulations (ZLDRs) to allow for relief from the minimum vehicular use areas' minimum screening and landscaping requirements. The applicant also requests variances from ZLDRs subsections 94-77(a)(1)(j), 94-77(a)(2)(a), 94-77(a)(3), 94-305(b)(4), 94-443(c)(2), 94-443(c)(3), 94-443(d)(2)(a), and 94-486 to allow for relief from the multi-family residential uses lot area minimum requirement, front, side, and rear setbacks minimum requirements, mechanical equipment setback encroachment maximum allowance, vehicular use areas minimum screening and landscaping requirements, multi-family residential uses additional landscaping requirements, and vehicular parking minimum requirements.

The development proposal remains consistent with the existing development pattern within the subject area and would provide the opportunity for infill development. It is staff's professional opinion that, with compliance with the conditions set forth in the Resolution, the requests comply with the Affordable and Workforce Housing Overlay (AWHO) Program Standards established in ZLDRs Section 94-552 and the applicable standards of the City's Code of Ordinances. Therefore, staff is recommending approval of the requests, subject to the proposed conditions, as identified in the staff report and Resolution No. 248-25.

### STANDARDS

Staff finds that, with implementation of the conditions, the requested special site plan review complies with the Affordable and Workforce Housing Overlay (AWHO) Program Standards established in Section 94-552 of the City's Zoning and Land Development Regulations.

### NOTICES

Pursuant to the requirements of Sections 94-39(i)(5) and 94-39(j) of the City's Code of Ordinances, individual notices were mailed to property owners within 500 feet of the subject property, the site was posted, and the resolution was advertised in the Palm Beach Post. To date, the City has not received any inquiry regarding the general nature of this request.

Commission District 1: Commissioner Cathleen Ward.

## **11. COMMENTS FROM THE PUBLIC**

Public comments are limited to three (3) minutes. Anyone wishing to address the Commission should complete a "Comments by the Public" card and present it to the City Clerk prior to the Public Comments. When you are called to speak, please go to the podium and state your name and address for the record prior to addressing Commission. The Commission will not discuss the matter nor respond to the comment this evening. Comments made will become part of the record and may be addressed at a later date.

## **12. COMMENTS BY THE MAYOR AND CITY COMMISSIONERS**

## **13. 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; 2.) written communications shall be placed in the record; and 3) site visits, investigations, etc. shall be disclosed.

NOTICE: If any person decides to appeal any decision made by the City Commission at this meeting, that person will need a record of the proceedings, and that, for such purposes, may need to ensure that a verbatim records of the proceedings be made, which record includes the testimony and evidence upon which the appeal is based. The City of West Palm Beach does not prepare or provide such record.