

# WEST PALM BEACH

EST. 1894

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

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

## City of West Palm Beach City Commission Agenda Tuesday, May 26, 2026 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. PRESENTATION

#### 6.1. 2026 Website of the Year - Distinguished Service Award

**Originating Department:**

Mayor's Office

**Background Information:**

The City of West Palm Beach was recently recognized by Granicus as a *Website of the Year* award winner, selected from more than 100 global submissions. The award highlights the City's commitment to innovation, accessibility, and digital service delivery, with WPB.org serving over 1.3 million users and achieving a 94.8 quality assurance score.

A key feature contributing to this recognition is the City's emergency-ready website functionality, which allows for a rapid transition to a hurricane response hub, providing residents with real-time updates, evacuation information, and critical safety resources.

This item recognizes the leadership and contributions of Peter Dobens in advancing a modern, responsive, and resident-focused digital platform that enhances communication, transparency, and public safety.

### 7. 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.

#### 7.1. Minutes of the April 2, 2026, Special City Commission Meeting.

**Originating Department:**

Mayor's Office

#### 7.2. Minutes of the April 13, 2026, Regular City Commission Meeting.

**Originating Department:**

Mayor's Office

#### 7.3. Resolution No. 99-26 authorizing the installation of streetscape improvements within the public rights-of-way (including Spruce Avenue, 24th Street, and 25th Street) adjacent to The Spruce mixed-use development project, accepting maintenance responsibility for a portion of State Road 5; approving the Maintenance Memorandum of Agreement between the Florida Department of Transportation and the City, and approving the Right-of-Way Maintenance Agreements between Northwood Partnership, LLC and the City.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 99-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING MAINTENANCE RESPONSIBILITY FOR A PORTION OF STATE ROAD 5 (U.S.1 /25TH STREET) AND STATE ROAD 5 (BROADWAY AVENUE / 24TH STREET) FOR ENCROACHMENTS TO BE CONSTRUCTED WITHIN THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) RIGHT-OF-WAY FOR THE SPRUCE PROJECT; APPROVING A MAINTENANCE MEMORANDUM OF AGREEMENT WITH FDOT; APPROVING A RIGHT-OF-WAY ENCROACHMENT & MAINTENANCE AGREEMENT BETWEEN NORTHWOOD PARTNERSHIP, LLC, AND THE CITY OF WEST PALM BEACH FOR MAINTENANCE OF THE ENCROACHMENTS WITHIN THE FDOT RIGHT-OF-WAY; APPROVING A RIGHT-OF-WAY ENCROACHMENT & MAINTENANCE AGREEMENT FOR A PORTION OF SPRUCE AVENUE BETWEEN NORTHWOOD PARTNERSHIP, LLC, AND THE CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

On April 3, 2023, the City Commission adopted Resolution No. 47-23, which approved the Special Site Plan Review request and granted the waiver and variance requests that allowed for a mixed-use development project containing workforce housing units known as The Spruce located at 2585 Spruce Avenue, West Palm Beach, Florida (the "Project"). A condition of approval for the final site plan approval of the Project requires that a separate maintenance agreement with the City be obtained and executed for the improvements (the "Encroachments") installed within the public rights-of-way adjacent to the Project prior to the issuance of a Certificate of Occupancy for the Project's building.

Northwood Partnership, LLC, a Delaware limited liability company ("Developer"), is developing the Project. The Project features elements, including landscape and hardscape improvements such as: trees, shrubs, groundcover, structural soil, tree grates, irrigation system, specialty pavers, bike racks, signage, and other encroachments installed within the Florida Department of Transportation's (FDOT) State Road 5 rights-of-way along 24th Street and 25th Street, and the City's right-of-way along Spruce Avenue.

FDOT has consented to the encroachments within State Road 5, provided the City agrees to assume the maintenance responsibility for the Encroachments. The Developer agrees to assume all maintenance obligations for the Encroachments installed within the public rights-of-way of Spruce Avenue, 24th Street, and 25th Street adjacent to the Project.

Resolution No. 99-26:

- a) agrees to assume the maintenance responsibilities for the encroachments installed within State Road 5 (24th & 25th Streets) and approved a Maintenance Memorandum of Agreement between the City and FDOT;
- b) approves a Right of Way Maintenance Agreement with the Developer by which the Developer assumes the City's responsibilities under the FDOT Maintenance Memorandum of Agreement; and
- c) consents to the installation of streetscape improvements within the Spruce Avenue right-of-way, and approves the Right of Way Maintenance agreement with the Developer for the maintenance of the encroachments installed along Spruce Avenue.

Commission District 1: Commissioner Cathleen Ward.

**Fiscal Note:**

No fiscal impact.

- 7.4. Resolution No. 105-26 authorizing the assessment of City liens in the total amount of \$13,932.47 for unpaid water service, sewer service, and stormwater charges for the month of February 2026.

**Originating Department:**

City Attorney's Office

**Ordinance/Resolution:**

RESOLUTION NO. 105-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING AN ASSESSMENT OF CITY LIENS FOR UNPAID WATER SERVICE, SEWER SERVICE, AND STORMWATER SERVICE CHARGES FOR THE MONTH OF FEBRUARY 2026; 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. 105-26 are for unpaid water service, sewer service, and stormwater service charges for the month of February 2026.

The list of properties to be assessed and the associated charges totaling \$13,932.47 are provided in Resolution No. 105-26 as EXHIBIT A - Utility Lien List - February 2026.

**Fiscal Note:**

No fiscal impact.

- 7.5. Resolution No. 114-26 approves a Settlement Agreement totaling \$50,000 in the matter of Regino Alexis and Kimberly Seay v. Corvelle Padgett and The City of West Palm Beach.

**Originating Department:**

City Attorney's Office

**Ordinance/Resolution:**

RESOLUTION NO. 114-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SETTLEMENT AGREEMENT FOR \$50,000 IN THE MATTER OF REGINO ALEXIS AND KIMBERLY SEAY V. CORVELLE PADGETT AND THE CITY OF WEST PALM BEACH, FILED IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA, CASE NO. 9:26-CV-80118; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

Regino Alexis and Kimberly Seay filed a complaint for damages arising out of an incident on or about May 22, 2022, at or near 1555 Dr. Martin Luther King Blvd., Riviera Beach, Palm Beach County, Florida, to wit: REGINO ALEXIS AND KIMBERLY SEAY V. CORVELLE PADGETT and THE CITY OF WEST PALM BEACH, filed in the United States District Court for the Southern District of Florida, Case No. 9:26-cv-80118.

The City reached a settlement agreement with Regino Alexis, Kimberly Seay, Travis Pitts, Jr., and their attorney on March 13, 2026, to resolve the matter in the amount of \$50,000. The plaintiffs signed a general release that releases all of the claims for damages, including attorney's fees and costs, against the City of West Palm Beach.

Section 2-268(g)(4) of the Code of Ordinances of the City of West Palm Beach, Florida, provides that the authority for settlement of all claims in excess of \$30,000 shall require the approval of the City Commission by formal resolution.

Resolution No. 114-26 approves the Settlement Agreement.

**Fiscal Note:**

Settlements are paid out of the Risk Annual Budget.

- 7.6. Resolution No. 113-26 granting a License Agreement to Peach Tree Entertainment, LLC, for the It's 5 O'Clock Somewhere Music Festival to be held at the Waterfront on June 12-13, 2026.

**Originating Department:**

Parks and Recreation

**Ordinance/Resolution:**

RESOLUTION NO. 113-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING A LICENSE AGREEMENT TO PEACHTREE ENTERTAINMENT, LLC, FOR USE OF WATERFRONT AREAS FOR THE 5 O'CLOCK SOMEWHERE FESTIVAL TO BE HELD JUNE 12-13, 2026; AUTHORIZING THE LICENSE AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

Peachtree Entertainment has spent the past fifteen (15) years establishing itself as a tastemaker in live music, identifying and promoting emerging artists such as Luke Combs, Morgan Wallen, Zach Bryan, Riley Green, Ella Langley, and Gavin Adcock. With an artist-first approach, the company has grown into one of the nation's largest independent promoters, producing major outdoor festivals, national tours, and venue and event bookings.

Inspired by Alan Jackson's iconic song "It's 5 O'Clock Somewhere," this curated boutique music and lifestyle festival celebrates the vibrant spirit of island and beach life. Set in warm-weather destinations, the tropical-themed event blends live music with gourmet tacos, refreshing margaritas and libations, culinary demonstrations, and exclusive VIP experiences, creating a unique and immersive escape from everyday life.

Peachtree Entertainment, LLC. desires to host the It's 5 O'Clock Somewhere Music Festival at the Waterfront on June 12-13, 2026, and will pay the City of West Palm Beach a \$30,000 license fee, a \$30,000 security deposit, and will provide general liability insurance and liquor liability insurance. Both insurance policies will list the City of West Palm Beach as the additional insured.

Resolution No. 113-26 grants the License and authorizes the License Agreement.

Commission District 3: Commissioner Christy Fox.

**Fiscal Note:**

No fiscal impact.

- 7.7. Resolution No. 117-26 amending the City's Salary Plan for FY2025-2026 by adding various job classifications and updating the pay grade and salary ranges for certain job classifications; and

Resolution No. 118-26(F) amending the full-time equivalent budget (F.T.E.) for certain departments and for certain funds for FY2025-2026.

**Originating Department:**

Human Resources

**Ordinance/Resolution:**

RESOLUTION NO. 117-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CITY'S SALARY PLAN AS PROVIDED IN RESOLUTION NO. 227-25 APPROVED ON SEPTEMBER 29, 2025, TO CREATE THE JOB CLASSIFICATIONS OF SENIOR DIGITAL MARKETING STRATEGIST, PUBLIC UTILITIES PROJECT MANAGER, AND STRATEGIC AND MOBILITY PLANNING MANAGER, TO CHANGE THE JOB TITLE OF CERTAIN JOB CLASSIFICATIONS, AND TO CHANGE THE PAY GRADE ALLOCATION FOR CERTAIN JOB CLASSIFICATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 118-26(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, TO AMEND THE FULL-TIME EQUIVALENT (F.T.E.) PERSONNEL DETAIL OF THE GENERAL FUND FOR THE POLICE DEPARTMENT, THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, THE DEPARTMENT OF ENGINEERING SERVICES, AND THE MAYOR'S OFFICE; AND TO AMEND THE FULL-TIME EQUIVALENT (F.T.E.) PERSONNEL DETAIL OF THE WATER & SEWAGE SYSTEMS REVENUE FUND, THE PARKING SYSTEMS OPERATING FUND, THE BUILDING PERMITTING FUND, THE CAPITAL IMPACT FEES FUND, AND THE FLEET MANAGEMENT FUND; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Background Information:**

In FY2022, City Administration established a mid-fiscal-year process for the Board's consideration that allows updates to the City's salary plan, job classifications, and pay grades as needed. This process allows departments to meet their changing operational needs so as to ensure the continued efficient delivery of City services. In order to be included within the proposed mid-year updates-adjustments, the requested changes must be cost-neutral and absorbed within the Department's annual budget. Per that established process, staff is presenting the following FY2026 mid-fiscal year budget and personnel-related

adjustments below for the Board's consideration.

Resolution No. 117-26 relates to modifications to the City's Salary Plan. If approved, it will implement changes to certain job titles, position pay grades, and create new job titles.

Resolution No. 118-26(F) amends the full-time equivalent (F.T.E.) budget and positions for various City departments and operational areas. Again, the associated costs have no general fund impact and will be absorbed by reallocating funding from operational reductions or elimination of vacant funded positions.

Updates to pay grades do not have a cost and do not result in employee salary increases.

The proposed changes will better align organizational areas to meet current operational needs and correspond with the 8th Pillar of the City's Updated Strategic Plan: Financial Sustainability & Organizational Excellence.

**I. Resolution No. 117-26** amends the City's FY2025-2026 Salary Plan as follows:

**Mandel Public Library**

- Updates Library Acquisition Specialist pay grade from 45 to 48.

**Department of Finance**

- Updates the job title of the Grants and Special Projects Administrator to Grants Compliance Manager.

**Department of Engineering Services**

- Transfers the Mobility and Transportation Manager position to the Parking and Mobility Administration Division.

**Department of Housing and Community Development**

- Reallocates one Clerical Specialist position to Administrative Assistant I.

**Department of Development Services**

- Reallocates one Senior Management Analyst position to System Support Manager.
- Transfers one Senior Fiscal Analyst position from cost center 033300 to cost center 042500.

**Department of Public Works/Support Services**

- Reallocates two Fleet Service Technician II positions to one Fleet Equipment Specialist I.

**Police Department**

- Reallocates one School Crossing Guard position to Crime Analyst I.

**Department of Public Utilities**

- Creates the job title of Public Utilities Project Manager.
- Changes a part-time Nature Center Education Assistant position to full-time.
- Reallocates one Engineering Services Coordinator position to Senior Engineering Services Coordinator.
- Reallocates one Senior SCADA Technician position to Public Utilities Project Manager.

**Parking and Mobility Administration**

- Creates the job title of Strategic Mobility Planning Manager.
- Adds one Fiscal Services Supervisor position.
- Changes the job title of Parking Operations Coordinator to Parking Enforcement Coordinator.
- Reallocates one Parking Facilities Supervisor position to Strategic Mobility Planning Manager.
- Transfers the Mobility and Transportation Manager position from the Department of Engineering Services to the Parking and Mobility Administration Division.

- Changes the job title of Mobility Transportation Manager to Mobility Operations Manager.

### **Mayor's Office**

- Creates the job title of Senior Digital Marketing Strategist and reallocates one Digital Marketing Strategist position to the position of Senior Digital Marketing Strategist.
- Reallocates two Assistant City Administrator positions to Deputy City Administrator (Job title update, does not result in any salary changes).

**II. Resolution No. 118-16(F)** amends the full-time equivalent (F.T.E.) budget for FY2025-2026 by implementing the changes noted above in the current budget.

#### **Fiscal Note:**

Fully budgeted. All costs associated with proposed F.T.E. changes will be offset by operational budget reductions and/or elimination of vacant positions in the FY2026 budget.

## **8. RESOLUTIONS**

- 8.1. Resolution No. 123-26 approving a term sheet for conveyance of 2003 N. Tamarind Avenue, 2030 N. Tamarind Avenue, 2107 N. Tamarind Avenue, and 1001 20th Street for development of residential projects with Palm Beach Venture Philanthropy, Inc.

#### **Originating Department:**

Housing and Community Development

#### **Ordinance/Resolution:**

RESOLUTION NO. 123-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, FINDING THAT CITY-OWNED PROPERTY LOCATED AT 2003 N. TAMARIND AVENUE; 2030 N. TAMARIND AVENUE, 2107 N. TAMARIND AVENUE, AND 1001 20TH STREET ARE NOT NEEDED FOR CITY PURPOSES AND ARE DECLARED TO BE SURPLUS; APPROVING A TERM SHEET WITH PALM BEACH VENTURE PHILANTHROPY, INC., ESTABLISHING THE TERMS FOR THE CONVEYANCE OF THE FOUR REAL ESTATE PARCELS FOR DEVELOPMENT OF THREE AFFORDABLE / WORKFORCE RESIDENTIAL PROJECTS; AUTHORIZING THE PREPARATION OF CONVEYANCE AGREEMENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 123-26.

**Background Information:**

Palm Beach Venture Philanthropy, Inc. is a nonprofit organization with a philanthropic mission focused on improving community outcomes and supporting the revitalization of the Coleman Park neighborhood, particularly in response to longstanding health and economic disparities within the area. The proposed partnership would facilitate the redevelopment of four (4) City-owned properties located along the Tamarind Avenue corridor into three (3) residential projects consisting of affordable and workforce homeownership opportunities and a mixed-use rental development. The mixed-use project is anticipated to include community-serving commercial space, placemaking elements, and potential childcare or nonprofit space intended to support neighborhood needs and corridor vitality.

Key terms of the proposed non-binding Term Sheet include:

- A minimum of forty percent (40%) affordable and workforce housing units within each project;
- Homeownership affordability tiers ranging from 80% to 120% Area Median Income (AMI);
- Rental affordability tiers ranging from 60% to 100% AMI;
- Thirty (30) year affordability restrictions secured through restrictive covenants;
- Community benefit commitments, including local workforce participation, small business utilization, and community engagement requirements; and
- Development timelines, financing obligations, and compliance requirements.

Key City protections include:

- Requirement that the Developer obtain all necessary financing and demonstrate financial capacity prior to conveyance;
- Requirement for all necessary governmental approvals, permits, and entitlements prior to development;
- Quarterly reporting requirements to monitor project progress and compliance;

- City approval of local workforce, small business participation, and community engagement plans;
- Construction commencement and completion deadlines;
- Payment bond and insurance requirements during construction; and
- Reverter and other conveyance protections in the event the projects are not completed as proposed.

The Term Sheet establishes the framework for negotiation of future conveyance and development agreement(s), which would return to the City Commission for formal consideration and approval at a later date.

Commission District 1: Commissioner Cathleen Ward.

**Fiscal Note:**

No

fiscal

impact.

## 9. PUBLIC HEARING

- 9.1. Public Hearing and First Reading of Ordinance No. 5169-26 regarding the rezoning of approximately 5.38 acres located at 2001 South Dixie Highway from General Commercial (GC) to Commercial Planned Development (CPD); and

Discussion item of Resolution No. 103-26 regarding the establishment of the development regulations and conditions for the Greene School Commercial Planned Development.

The above-referenced requests are being made by Jon Schmidt and Christopher Claeyesen of Schmidt Nichols, on behalf of Tobias Partners LP and Jeff Greene, for the creation of the Greene School Commercial Planned Development.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

ORDINANCE NO. 5169-26: 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 5.38 ACRES LOCATED GENERALLY AT 2001 SOUTH DIXIE HIGHWAY FROM A GENERAL COMMERCIAL ZONING DESIGNATION TO A COMMERCIAL PLANNED DEVELOPMENT ZONING DESIGNATION, TO CREATE THE GREENE SCHOOL COMMERCIAL 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.

RESOLUTION NO. 103-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ESTABLISHING THE DEVELOPMENT REGULATIONS, INCLUDING SITE, ARCHITECTURAL, LANDSCAPE PLANS AND CIVIL PLANS, FOR THE GREEN SCHOOL COMMERCIAL PLANNED DEVELOPMENT LOCATED AT 2001 SOUTH DIXIE HIGHWAY; 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. 5169-26 on First Reading and schedule Second Reading for June 8, 2026, to change the zoning district of approximately 5.38 acres of land generally located at 2001 South Dixie Highway from General Commercial (GC) to Commercial Planned Development (CPD), to create The Greene School CPD.

Resolution No. 103-26 is to be considered for approval at Second Reading of the related Ordinance at the June 8, 2026, City Commission meeting.

This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board, and the findings that the request complies with the Comprehensive Plan and the standards in Sections 94-32 and 94-35 of the City's Zoning and Land Development Regulations.

**Background Information:**

REQUEST

A request by Jon Schmidt and Christopher Claeysen of Schmidt Nichols, on behalf of Tobias Partners LP and Jeff Greene, to rezone 5.38 acres from General Commercial (GC) to Commercial Planned Development (CPD) to create The Greene School CPD for the expansion of an existing private school campus.

BACKGROUND

Located south of Flamingo Drive, between South Dixie Highway and the Florida East Coast (FEC) Railway, The Greene School was originally approved by the City in 2016 as a private school serving grades K through 8 resulting in the current primary school campus located between Flamingo Road and Biscayne Drive.

Following City Commission approval for the abandonment of an alley in 2017 (Resolution No. 106-17 and Ordinance No. 4702-17) and a portion of Biscayne Drive in 2022 (Ordinance No. 5004-22), the school expanded its academic program to include grades 9 through 12 and added on-site tennis and field sports facilities, providing additional extracurricular opportunities for students.

ANALYSIS

The applicant is now requesting City approval to rezone the subject 5,38 acre property from General Commercial (GC) to Commercial Planned Development (CPD) under Ordinance No. 5169-26, and the approval of a Major Amendment to the Greene School Commercial Planned Development, by establishing the development regulations, including site, architectural, landscape and civil plans for the private Greene School CPD under Resolution No. 103-26 to establish a unified private school campus under a single, cohesive site plan.

The subject property has a Commercial (C) and Commercial East (CE) Future Land Use designation and is currently zoned General Commercial (GC).

The proposed redevelopment and its uses are permitted by right within the existing Commercial (C) and Commercial East (CE) Future Land Use (FLU) designations. Furthermore, the subject site is located along S. Dixie Highway, a commercial corridor situated just south of the downtown area.

This corridor is characterized by existing commercial uses and is predominantly designated with Commercial Future Land Use classifications. It is reasonable and consistent with the surrounding development pattern that the subject property would be governed by a Commercial zoning designation, such as the proposed Commercial Planned Development (CPD).

Based on the foregoing, it is staff's professional opinion that the proposed development is consistent with all applicable elements of the City's Comprehensive Plan.

### Site Plan Amendment

The proposed site plan amendment integrates the existing campus infrastructure with new facilities, including the following improvements:

- A one-story, 1,909 square-foot library (Figure 1), renovated outdoor play areas, and related infrastructure improvements on the North Campus; and
- A three-story, 27,298 square-foot racquet facility (Figure 2) and a three-story, 24,527square-foot academic building on the South Campus, along with a new underground parking garage and a 43,147square foot terrace featuring two (2) outdoor tennis courts above the garage (Figure 3).



Figure 1



Figure 2



Figure 3

The proposed site improvements, including the accessory academic building and racquet facilities, are intended primarily for use by students and faculty during school hours.

The campus is bisected by an east-west pedestrian promenade that provides circulation for students/staff and connects the North and South Campuses. The promenade includes gated access restricted to emergency vehicles entering and exiting the site via South Dixie Highway. Excerpt of the Promenade shown in red (Figure 4).

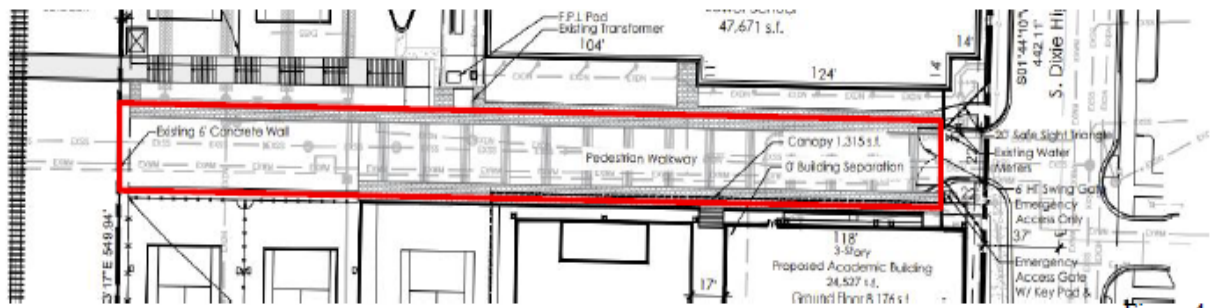


Figure 4

### Proposed Skybridge

In addition to the internal pedestrian circulation provided by the promenade, the applicant proposes to construct an accessory skybridge on the southwest side of the north campus of The Greene School, adjacent to the promenade. The skybridge is proposed to span the FEC Railroad and connect The Greene School campus to property owned by the applicant that is located west of the railroad. The purpose of the proposed skybridge is to provide safe and efficient pedestrian access for students and staff during school hours (Figure 5).



Figure 5

It should be noted that the Flamingo Health Center (not part of this application) previously received approval by the City’s Historic Preservation Board for indoor recreational uses. According to the proposed site plan on record, the proposed accessory skybridge is located in the eastern portion of the Flamingo Health Center site, and it will be operated, maintained, and administered by the Greene School CPD. The portions of the skybridge within the site west of the FEC Railroad site (formerly known as Flamingo Health Center) will provide a separate, designated point of entry and exit for pedestrians to access the skybridge.

Staff supports the proposed skybridge, provided that it does not interfere with Florida East Coast (FEC) Railroad operations and that all required approvals are obtained for the operation of this accessory structure. For the purpose of compliance with the Zoning and Land Development Regulations (ZLDR) and applicable FEC requirements, staff has included a condition of approval for the skybridge. Prior to obtaining the approval of a Building Permit for the construction of the accessory structure (skybridge), the applicant is required to obtain site plan approval for the property west of the FEC (formerly known as Flamingo Health Club) located at 500 Flamingo Drive, to allow the construction of the bridge on the site.

## **Parking**

To accommodate the increased demand, parking is proposed to be provided primarily within a partially underground, basement-level parking garage containing 116 vehicular spaces, supplemented by 15 on-street parking spaces located along Flamingo Drive and Claremore Drive, for a total of 131 parking spaces.

Based on plans on record and the Justification Statement, staff confirms that the proposed parking improvements, including the redevelopment of the parking garage on the South Campus, satisfy the requirements of the Zoning and Land Development Regulations (ZLDR) for the proposed Greene School CPD.

## **Existing Site Conditions**

The subject site on which the proposed school expansion is located includes existing site conditions that do not conform to the current City's Zoning and Land Development Regulations. More specifically, the following Legal Nonconformities are as follows:

- Front Setback: 5' Required (0' Existing on S Dixie Highway)
- Side Setback: 5' Required (0' Provided on Flamingo Road)

It is important to emphasize that the proposed school expansion and redevelopment will not increase the existing legal nonconformity associated with the required setbacks along S. Dixie Highway and Flamingo Road. Therefore, the applicant is not required to request variances for the minimum required front and side setbacks.

Any future modifications to the existing legal nonconformity along S. Dixie Highway or Flamingo Road, an amendment to the approved CPD will be required.

## **CONCLUSION**

Staff has determined that the redevelopment of the proposed School Campus, and the associated site improvements, comply with all of the provisions of the Green School Master Site Plan and the City's Zoning and Land Development Regulations. Additionally, it is staff's professional opinion that the proposed Major Amendment complies with the standards required by the City's Zoning and Land Development Regulations, and therefore is recommending approval of the Applicant's request, subject to the conditions outlined herein.

## **STANDARDS**

The Planning and Zoning Division has determined that the Major Planned Development to The Greene School CPD complies with the City's Comprehensive Plan and the standards according to Section 94-32 and meets all the standards for the Site Plan found in Section 94-35 and for the development regulations according to Section 94-207 (d) of the City of West Palm Beach ZLDRs.

Compliance with the above-referenced standards is detailed in the Planning Board Staff Report (Attachment I).

### PLANNING BOARD

At the Planning Board Public Hearing held on April 21, 2026, the Board recommended approval (7-0) of The Greene School CPD to the City Commission, having determined that the project complies with the Planned Development standards set forth in Sections 94-32, 94-35, and 94-207 of the City of West Palm Beach ZLDRs.

### NOTICE

Individual notices were mailed to all property owners within 500 feet of the area subject to the Major Amendment. Signs for the Major Planned Development were posted on the property on April 26, 2026.

Ordinance No. 5169-26 approves the rezoning of the property from General Commercial to a CPD zoning designation.

Resolution No. 274-25 advances the item to a second City Commission hearing for approval of the development regulations for The Greene School CPD.

Commission District 5: Commissioner Stephen Sylvester.

- 9.2. Public Hearing of Resolution No. 104-26: A request by Brian M. Seymour, Esq. and John P. Roach, AICP of Gunster Law, on behalf of 5400 N Flagler Limited Partnership, for a Class A Special Use Permit to construct a four-slip dock and the granting of waivers from the City's Zoning and Land Development Regulations, to the 5400 North Flagler Commercial Planned Development, generally located east of North Flagler Drive, between 53rd Street and 54th Street.

**Originating Department:**

Development Services

**Ordinance/Resolution:**

RESOLUTION NO. 104-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CLASS A SPECIAL USE PERMIT TO CONSTRUCT A FOUR-SLIP DOCK ACCESSORY TO THE 5400 NORTH FLAGLER RESIDENTIAL PLANNED DEVELOPMENT, GENERALLY LOCATED ON THE EAST SIDE OF NORTH FLAGLER DRIVE, BETWEEN 53RD STREET AND 54TH STREET; DECLARING THE DEVELOPMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; GRANTING WAIVERS TO THE ZONING AND LAND DEVELOPMENT REGULATIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Staff Recommended Motion:**

Approve Resolution No. 104-26 for a Class A Special Use Permit with waivers from the dock requirements associated with length, location, height, and sanitary sewer pump-out facility to provide for the construction of a four-slip accessory dock to the 5400 North Flagler Residential Planned Development, generally located on the east side of North Flagler Drive, between 53rd Street and 54th Street.

This motion is based upon the application submitted; the staff report; factual testimony; the recommendation of the Planning Board; the findings that the request complies with the Comprehensive Plan; and the standards in Section 94-36(e)(3) and (4), Section 94-313(a)(3), and Section 94-273(a)(2) of the City's Zoning and Land Development Regulations.

**Background Information:**

(THE INFORMATION PROVIDED BELOW IS A GENERAL SUMMARY. A FULL ANALYSIS IS INCLUDED IN THE STAFF REPORT.)

On October 27, 2025, the 5400 North Flagler Residential Planned Development (RPD), consisting of 97 residential units, was approved on the subject property generally located on 5440 North Flagler Drive, between 53rd Street and 54th Street. The subject property includes parcels on the east side of North Flagler Drive with riparian rights to the

Intracoastal Waterway (owned in fee-simple). The subject property is currently undergoing demolition in preparation for the construction of the 5400 North Flagler RPD development. As part of the project, a dock is now being proposed to provide a private amenity to the residents of 5400 North Flagler. Use of the dock will be limited solely to the residents; it will not be made available to the public or otherwise offered as part of a commercial venture.

Pursuant to the Zoning and Land Development Regulations (ZLDRs), accessory docks are permitted by-right on properties possessing riparian rights as long as the dock conforms to the *Standards for All Docks*, provided in Section 94-313(a)(3) of the ZLDRs. The required standards include dimensional and locational requirements for the dock, boatlift(s), and all other mooring-related structures associated with the dock. In the event the applicant cannot meet any of the required standards, the applicant may request waivers from the standards through the Class A Special Use Permit process.

According to the dock plan, the proposed dock will measure a length of 146 feet and will provide for a total of four (4) boat slips. The proposed dock will have a 4-foot-wide pier that will extend eastward from the bulkhead of the seawall approximately 126 feet to a naturally occurring gap in the seagrass, where water depths range from approximately 5 to 7.5 feet at mean low water (MLW). The decking will include a minimum one-half inch ( $\frac{1}{2}$ ) spacing to reduce shading impacts on marine vegetation.

The mooring area will extend southeasterly from the pier in a three-finger configuration. The placement of finger piers avoids seagrass beds. The westernmost finger pier, measuring approximately 4 feet in width and 32 feet in length, will provide access to a floating dock for kayaks, paddleboards, and other non-motorized vessels. The center finger pier will measure approximately 4 feet in width and 38.5 feet in length, while the easternmost finger pier will be approximately 5 feet wide and 55 feet long. In total, the dock will support four mooring locations with eleven (11) pilings.

A 42-inch-high railing will be installed along the entire north side of the main pier and along the westernmost 49 feet of the south side. This railing is intended to prevent unauthorized docking and further protect adjacent seagrass areas.

As part of the dock application process, the applicant obtained a permit approval from the U.S. Army Corps of Engineers (USACOE Permit No. SAJ-2025-01653(NWGP-PWB) and an exemption from the South Florida Water Management District (SFWMD) from the requirement to obtain an Environmental Resource Permit (ERP) pursuant to Subsections 62-330.051(5)(b) and (f), and 62-330.051(12)(b) and (d) of the Florida

Administrative Code (FAC).

The applicant is requesting four (4) waivers from the dock standards of the ZLDRs. These waivers are summarized below:

- Waiver 1: Sec. 94-313(a)(3)(i) – Dock Length. The dock exceeds the 100-foot maximum allowable length. The additional length is necessary to provide sufficient water depth for mooring (typically at a depth of  $\pm 8$  feet), but also to prevent damage/disturbance to the seagrasses in the immediate vicinity.
- Waiver 2: Sec. 94-313(a)(3)(h) – Dock Location. Docks are required to be constructed within the middle one-third of the upland property, based on the extension of the north and south property lines into the waterway. This is to minimize any impact on the observed seagrasses in the immediate area. The dock location was strategically selected based on expert analysis conducted by the project's marine engineers, and it has been designated as the only area within the Property's submerged lands that is free of seagrass, thereby avoiding disturbance to these sensitive marine habitats. In addition, the dock is setback 25 feet from the northern property line, providing adequate separation from the park.
- Waiver 3: Sec. 94-313(a)(3)(k) – Height. No structures (with the exception of a security fence and boatlifts) can be built on the dock, and no portion of the dock can exceed the height of the seawall. To prevent the mooring of vessels in unauthorized areas, the Applicant proposes to install a 42-inch-high railing along all portions of the dock not directly adjacent to designated boat slips. This design will prevent exceeding the number of approved mooring locations and restrict vessels from entering areas that could impact sensitive marine habitat below. The dock is also ADA-compliant. These two elements exceed the height requirements for a dock.
- Waiver 4: Sec. 94-313(a)(3)(g)(ii) – Sanitary Sewer Pump-Out. A sanitary sewer pump-out facility is required for every eight (8) mooring slips or fraction thereof. The dock is intended solely for the use and enjoyment of residents of the 5400 North Flagler RPD development and is not designed to accommodate liveaboard vessels, nor will the dock be used for commercial purposes. Therefore, a sanitary sewer pump-out facility is unnecessary for the proposed dock.

### CONCLUSION

Due to the required conditions and exemption of SFWMD Permit No. 50-114848-P, a dock on the subject property that fully complies with the dock standards of the ZLDRs would not be possible. The waivers requested for the length, location, height, and requirement for a sanitary pump-out facility are all associated with the conditions of the SFWMD Permit, which are non-negotiable, but are also necessary for the applicant to install a reasonable dock to provide for the enjoyment of the 5400 North Flagler RPD development, and for which the applicant is entitled. The requested waivers are reasonable and should not detrimentally impact or negatively disrupt the existing uses in the immediate surrounding area.

Staff finds that the requests satisfy the required provisions of the ZLDRs, and as such, the Development Services Department – Planning Division is recommending approval, subject to the conditions contained in Resolution No. 104-26.

### PLANNING BOARD

After a Public Hearing on April 21, 2026, the Planning Board unanimously recommended approval (7-0) of the Class A Special Use Permit to the City Commission.

### PUBLIC NOTICE

Individual notices were mailed to all property owners within 500 feet of the subject property, and signs were posted on the property. In accordance with the advertising requirements of the City's Zoning and Land Development Regulations, a legal ad for Resolution No. 104-26 was advertised in the May 16, 2026, edition of the Palm Beach Post.

Commission District 1: Commissioner Cathleen Ward.

## **10. 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.

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

## **12. 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.