

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
Pass/Fail Agenda
Monday, April 27, 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- None

6. PROCLAMATION- Presented

- 6.1. Proclaiming May 4-8, 2026, as National Small Business Week. Proclamation to be accepted by Frank Hayden, Director of the City of West Palm Beach Office of Small Business Programs, and Dieulanie Claude, Small Business Administration Outreach and Marketing Specialist for the South Florida District Office.

Originating Department:

Mayor's Office

7. CONSENT CALENDAR- All items were approved.

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. Resolution No. 65-26(F) accepting and appropriating funds in the amount of \$79,852 from the State Aid to Libraries Grant from the Florida Department of State, Division of Library and Information Services, to assist the Mandel Public Library of West Palm Beach in maintaining and developing vital services during Fiscal Year 2025-2026.

Originating Department:

Library

Ordinance/Resolution:

RESOLUTION NO. 65-26(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 GRANT PROGRAMS SPECIAL REVENUE FUND BUDGET TO RECOGNIZE THE FY26 STATE OF FLORIDA LIBRARY GRANT AWARD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

Florida's State Aid to Libraries Program is administered by the Florida Department of State, Division of Library and Information Services. In 2003, the Legislature revised the law to allow independent municipal libraries to participate in the State Aid to Libraries Program. This was done in recognition that the provision of State Aid to independent municipal libraries is a valuable contribution to the extension of the State's public library development plan. The State provides a match of up to 25 cents (\$0.25) on each dollar of local funds expended centrally for the operation and maintenance of the library. The Mandel Public Library of West Palm Beach has received this State Aid funding since 2003.

The Mandel Public Library meets the following requirements to receive the State Aid to Libraries Grant:

1. Provides free library services;
2. Maintains an established interlocal agreement to jointly support each participating library;
3. Retains a single administrative head employed full-time to manage or coordinate the operations of the library;
4. Expend funds centrally;
5. Maintains a reciprocal borrowing agreement;
6. Provides access to materials, information, and services for all residents of the area served;
7. Open forty (40) hours or more each week; and
8. Established a long-range plan, an annual plan of service, and an annual budget.

Funding from the State will supplement the Mandel Public Library's operating costs for goods and services as defined by the Uniform Accounting System Manual for Local Governments, 2023 edition, prepared by the Florida Department of Financial Services, Bureau of Financial Reporting.

Resolution No. 219-25 approved the grant agreement on behalf of the City.

Resolution No. 65-26(F) recognizes and appropriates the grant funding in the amount of \$79,852.

Fiscal Note:

Approval of this item will recognize and appropriate grant funding in the amount of \$79,852 to be used toward developing and maintaining vital services at the Mandel Public Library of West Palm Beach.

- 7.2. Resolution No. 76-26(F) appropriating \$200,000 from the Water and Sewer Construction Fund for the water distribution improvements in connection with the 24th Street Sanitary Sewer Improvements project.

Originating Department:

Public Utilities

Ordinance/Resolution:

RESOLUTION NO. 76-26(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 SEWER CONSTRUCTION FUND BUDGET TO PROVIDE APPROPRIATIONS FOR WATER, SEWER WATER CAPITAL PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

In the summer of 2026, the City will solicit bids for the utility improvements associated with the 24th Street Sanitary Sewer Improvements project. The project area runs along 24th Street from Spruce Avenue to Dixie Highway and along Dixie Highway from 24th Street to 26th Street. The work includes improvements to existing sanitary sewer and water main infrastructure including up-sizing the water main on Dixie Highway between 25th and 26th Streets.

Resolution No. 76-26(F) appropriates \$200,000 from the Public Utilities Water and Sewer Construction Fund to support the water main up-sizing. No general fund dollars are required.

The Water and Sewer Construction Fund's reserve balance, post approval of this item, will be \$7,009,338.

The project is located in Commission District 1: Commissioner Cathleen Ward.

Fiscal Note:

Approval of this item will provide appropriations from the Water-Sewer Construction fund Reserves in the amount of \$200,000 for water distribution improvements related to the 24th Street Sanitary Sewer Improvements project.

- 7.3. Resolution No. 84-26 approves a Settlement Agreement totaling \$100,000 in the matter of LaShundra Highsmith vs. The City of West Palm Beach.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 84-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SETTLEMENT AGREEMENT FOR \$100,000 IN THE MATTER OF LASHUNDRA HIGHSMITH V. THE CITY OF WEST PALM BEACH, FILED IN THE FIFTEENTH JUDICIAL CIRCUIT, IN AND FOR PALM BEACH COUNTY, FLORIDA, CASE NO. 50-2025-CA-004840-XXXXMB AG, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

LaShundra Highsmith filed a complaint for damages arising from that certain alleged car crash on or about May 31, 2024, at or near Interstate 95 and exit Palm Beach Gardens Boulevard (SR 786), Palm Beach Gardens, Palm Beach County, Florida, to wit: LaShundra Highsmith v. The City of West Palm Beach, filed in the Fifteenth Judicial Circuit, In and for Palm Beach County, Florida, Case No. 50-2025-CA-004840-XXXXMB AG.

The City reached a Settlement Agreement with LaShundra Highsmith and her attorney on February 12, 2026, for the amount of \$100,000 in exchange for a general release of all claims, including all attorneys' fees and costs.

The plaintiff signed a general release that releases the City from all claims arising from that certain alleged car crash on or about May 31, 2024, at or near Interstate 95 and exit Palm Beach Gardens Boulevard (SR 786), Palm Beach Gardens, Palm Beach County, Florida, which resolves all of the claims for damages, including attorneys' 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. 84-26 approves the Settlement Agreement.

Fiscal Note:

Settlements are paid out of the Risk Annual Budget.

- 7.4. Resolution No. 85-26 authorizing the assessment of City liens in the total amount of \$19,795.09 for unpaid water service, sewer service, and stormwater charges for the month of January, 2026.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 85-26: 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 JANUARY 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. 85-26 are for unpaid water service, sewer service, and stormwater service charges for the month of January 2026.

The list of properties to be assessed and the associated charges totaling \$19,795.09 are provided in Resolution No. 85-26 as EXHIBIT A - Utility Lien List - January 2026.

Fiscal Note:

No fiscal impact.

- 7.5. Resolution No. 79-26 authorizing the abandonment of a 5-foot utility easement within Lot 30, plat of BELLE TERRE, located at 124 Churchill Road.

Originating Department:

Engineering

Ordinance/Resolution:

RESOLUTION NO. 79-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, VACATING AND ABANDONING A 5-FOOT UTILITY EASEMENT WITHIN THE PROPERTY LOCATED AT 124 CHURCHILL ROAD; AUTHORIZING EXECUTION OF A DISCLAIMER OF INTEREST IN SUCH EASEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

In 1925, the plat of BELLE TERRE dedicated easements for public utilities. A 5-foot easement was dedicated on the West side of Lot 30, which is currently under a patio area surrounding a pool.

All utility companies have signed off on the abandonment, and the owners wish to have the easement abandoned.

Approval of Resolution No. 79-26 will allow for the underlying easement to be abandoned and removed from under their patio.

Commission District 5: Commissioner Stephen Sylvester.

Fiscal Note:

No fiscal impact.

- 7.6. Resolution No. 93-26 approving the interlocal agreement for EMS Grant Funds between Palm Beach County and the City of West Palm Beach for reimbursement for the purchase of emergency medical services equipment, supplies, or training.

Originating Department:

Fire

Ordinance/Resolution:

RESOLUTION NO. 93-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THAT INTERLOCAL AGREEMENT FOR EMS GRANT FUNDS BETWEEN PALM BEACH COUNTY AND THE CITY OF WEST PALM BEACH FOR EMERGENCY MEDICAL SERVICES EQUIPMENT, SUPPLIES, OR TRAINING; AUTHORIZING EXECUTION OF THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The West Palm Beach Fire Department is seeking approval for a five-year interlocal agreement contract with Palm Beach County, Division of Emergency Management, for EMS grant funds.

The Palm Beach County Division of Emergency Management will open at least one (1) grant application period per year, during which time the West Palm Beach Fire Department, an EMS provider in Palm Beach County, can submit grant requests for EMS grant funds for reimbursement of purchases of certain EMS equipment, medication, supplies, and or training.

During each application period and grant cycle, the West Palm Beach Fire Department requests approval to participate in this grant program and to receive EMS grant funds from Palm Beach County.

Fiscal Note:

EMS grant.

- 7.7. Resolution No. 95-26 accepting the in-kind donation from the Kidde corporation of 1,000 Kidde DETECT 10-year battery-powered combination smoke/carbon dioxide alarm units with a retail value of \$59,970.

Originating Department:

Fire

Ordinance/Resolution:

RESOLUTION NO. 95-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A DONATION FROM THE KIDDE CORPORATION CAUSE FOR ALARM CAMPAIGN OF 1,000 BATTERY-POWERED COMBO SMOKE / CARBON DIOXIDE ALARMS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The Kidde corporation is currently conducting its “Cause for Alarm” campaign throughout Florida to help bridge fire-safety gaps by providing smoke and carbon monoxide alarms to vulnerable communities. As part of this initiative, Kidde partners with local fire rescue agencies to host community education events and distribute life-saving equipment.

Kidde is a leading manufacturer of fire safety products, designing and developing smoke alarms, carbon monoxide alarms, fire extinguishers, and indoor air quality monitors. These products share a common mission of protecting people and property from fire-related hazards.

This initiative focuses on reducing fire-related fatalities by upgrading, testing, and installing modern alarm systems. This marks the first time that the City of West Palm Beach Fire Department has applied for and been selected to receive donations through this program.

The devices are 10-year battery-powered combination smoke and carbon monoxide alarms equipped with voice alerts to enhance occupant awareness. The unit utilizes advanced sensing technology to deliver faster, more reliable alerts while reducing nuisance alarms commonly triggered by cooking, thereby improving overall household safety.

Resolution No. 95-26 authorizes the acceptance of an in-kind donation valued at \$59,970 from Kidde’s Cause for Alarm campaign for 1,000 combination smoke and carbon monoxide alarm units for the West Palm

Beach Fire Department to distribute to our community while providing life safety education.

- 7.8. Resolution No. 94-26 approving the continued provision of food, nutrition education and counseling services to the elderly at the Gloria Y. Williams Multicultural Center and approving and authorizing the Mayor to sign the Use of Facility Agreement for Governmental Entities between Palm Beach County and the City providing for the services.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 94-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE CONTINUED PROVISION OF FOOD, NUTRITION EDUCATION AND COUNSELING SERVICES TO THE ELDERLY AT THE GLORIA Y. WILLIAMS MULTI-CULTURAL CENTER AND AUTHORIZING THE MAYOR TO SIGN A USE OF FACILITY AGREEMENT FOR GOVERNMENT ENTITIES BETWEEN PALM BEACH COUNTY AND THE CITY FOR THE PROVISION OF SAID SERVICES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The City of West Palm Beach provides food, nutrition education, and counseling services to the elderly at least monthly at the Gloria Y. Williams Multi-Cultural Center located at 501 21st Street, West Palm Beach, Florida. All foods and food service-related supplies are provided by the Palm Beach County Division of Senior & Veteran Services through a food service provider at the County's expense.

The relationship between the County and the City was established in 2015 through a Use of Facility Agreement for Governmental Entities, which has been periodically renewed over the years. The agreement is now up for renewal. Under the agreement, the City will provide the space and personnel necessary for the provision of the services, and the county will provide the food, equipment, and training necessary for the provision of the services. The agreement will remain in effect for a period of five (5) years, terminating on April 21, 2031. It will automatically renew thereafter unless terminated, or either party elects not to renew.

Resolution No. 94-26 approves the continued provision of food, nutrition education, and counseling services to the elderly at the Gloria Y. Williams Multicultural Center and approves and authorizes the Mayor to sign the Use of Facility Agreement for Governmental Entities between Palm Beach County and the City, which provides the terms and conditions for providing the services.

Commission District 1: Commissioner Cathleen Ward.

Fiscal Note:

No fiscal impact.

8. RESOLUTIONS- Approved.

- 8.1. Resolution No. 100-26 coordinating utility work to be performed along 40th Street, 41st Street, 42nd Street, 43rd Street, and 44th Street, from Broadway Avenue/US-1 to North Flagler Drive, and authorizing a Joint Participation and Utility Work Funding Agreement with Huizenga Holdings, Inc. to share the costs of the utility work and estimating the City's cost share at \$3,763,046.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 100-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, COORDINATING UTILITY WORK IN THE NORTHWOOD MARINA (NOMAR) NEIGHBORHOOD; APPROVAL OF A JOINT PARTICIPATION AND UTILITY WORK FUNDING AGREEMENT WITH HUIZENGA HOLDINGS, INC. WITH AN ESTIMATED COST OF \$3,763,046; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 100-26.

Background Information:

Huizenga Holdings Inc. ("Developer") has been spearheading an effort to redevelop the neighborhood that borders 40th Street to 44th Street from Broadway to N. Flagler Drive. The Developer is developing multiple infill single-family homes in this neighborhood.

The Developer will need to perform utility work relating to water and sanitary sewer for its infill housing, along with roadway restoration and lighting throughout the neighborhood.

The City water, sanitary sewer, and lighting utility facilities in the neighborhood need improvements and are planned for future City projects.

The City and the Developer desire to coordinate the utility work, and the Developer agrees to perform the City's utility work in conjunction with the utility work necessary for its projects.

Within the subject area, Huizenga Holdings Inc., or affiliates, owns approximately sixty percent (60%) of the homes. That is the basis for the split in costs for the infrastructure improvements, with the City agreeing to cover forty percent (40%) of the estimated infrastructure improvements, not to exceed a total of \$3,763,046 for the City's cost share.

Resolution No. 100-26 approves the coordination of the utility work and authorizes the execution of a Joint Participation and Utility Work Funding Agreement establishing the share of costs for the utility work to be performed in the neighborhood.

The property is in Commission District 1: Commissioner Cathleen Ward.

Fiscal Note:

Funding will be from a combination of Public Utilities and Engineering funds.

9. PUBLIC HEARING-Approved

- 9.1. Public Hearing and Second Reading of Ordinance No. 5167-26 authorizing the lease of the green median space and right of way known as Norton Park, generally located at 1450 S. Olive Avenue to the Norton Museum of Art, Inc., for the creation of and use as a public art / cultural park.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

ORDINANCE NO. 5167-26: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE LEASE OF THE PROPERTY LOCATED AT 1450 S. OLIVE AVENUE, KNOWN AS PIONEER PARK AND NORTON PARK, TO THE NORTON MUSEUM OF ART, INC., FOR DEVELOPMENT AS AN ART PARK TO REMAIN OPEN TO THE PUBLIC; APPROVING A LEASE AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5167-26 on Second Reading.

Background Information:

The City of West Palm Beach is the owner of certain real property located at 1450 S. Olive Avenue, which is an open green median between S. Flagler Drive, Pioneer Plaza, Diana Place, and Acteon Place, known as "Pioneer Park" or "Norton Park" (the "Property").

The Norton Museum of Art, Inc., desires to lease the Property from the City for the purpose of constructing and operating an art/cultural park, which will include approved works of art and lighting in order to beautify and activate this public space, and utilize it for certain public and private events.

Resolution No. 180-25 approved on August 8, 2025, surplused the property and provided for the negotiations of terms and conditions for a lease agreement. The terms of a lease of the Property have been negotiated with the Norton Museum of Art, which include the following material terms and conditions:

- Term: The lease term is fifty (50) years with an option to renew for an additional twenty (20) years.
- Rent: Base rent is \$100 per year. Commencing the 10th year of the Lease term, provided: (1) the endowment of the Norton Museum for the cultural park only is at least Twenty-Five Million Dollars (as increased by the CPI annually); (ii) that the Norton Museum has budgeted and reserved for any required capital projects for the Property as determined by the Board of Directors of the Norton Museum; and (iii) that the Norton Museum has a surplus of funds, then the Norton Museum shall pay Additional Rent equal to twenty-five percent (25%) of the Norton Museum's Net Revenue for the fiscal year.
- Naming Rights: The Norton Museum may name the park Property, the sculpture garden, or any individual garden room, work of art, or other improvement, without the City's consent or approval, subject to certain limitations. The Norton Museum has represented that the Pioneers' Association has voted its approval of the proposed Lease including the naming rights.
- Works of Art: The works of art displayed at the Property shall be the property of, or shall be under loan to, the Norton Museum. The Norton Museum shall have full and exclusive authority to select, acquire, install, display, rotate, relocate, modify, store, and remove any and all works of art to be located within the Property.
- Bollards: The Norton Museum will be granted the right to install, control, operate, and maintain bollards and/or other traffic control devices on Diana Place and Actaeon Place. The Norton Museum shall be permitted to operate the bollards to restrict or regulate vehicular or pedestrian access to the Property every Friday from 6:00 p.m. to Saturday at 11:00 p.m. from November 1 through April 30 of each year, for activities open to the public. Other closures shall be in conjunction with a private event, which has been permitted by the City.

- Neighboring Property Use: The City agrees that it will not install any vertical buildings, whether temporary or permanent, in the adjacent areas along Flagler Drive and S. Olive Avenue.
- Community Programs: The Norton Museum agrees to work with local K-12 schools to provide at least two (2) annual art education programs located at the Property, along with at least one (1) annual free event that is open to the public that celebrates arts and culture.
- Local Workforce: The Norton Museum will use all commercially reasonable efforts to inform and hire at least fifteen percent (15%) of the on-site construction labor workforce from City residents.
- Small Business Participation: The Norton Museum will use all commercially reasonable efforts to engage no less than eighteen percent (18%) of its contractors and subcontractors from small businesses certified by the City.
- Completion: The completion of the construction of the art / cultural park improvements within the Property shall be completed three (3) years from commencement of construction, but no later than five (5) years from the execution of the Lease, subject to force majeure. Should the Norton Museum fail to obtain the necessary capital funding to commence the project or receive City approvals within the first thirty-six (36) months, the Lease shall be in default, subject to force majeure and a sixty (60) day cure period.

Pursuant to Section 2-31(27)(c) of the Code of Ordinances, appraisals are not required for a lease of property to a bona fide not-for-profit corporation, and the Norton Museum of Art is a not-for-profit corporation.

Pursuant to Section 22-31(27) of the Code of Ordinances, this Ordinance approving the lease has been approved by a super majority (4/5) vote of the City Commission at First Reading.

Commission District 5: Commissioner Stephen Sylvester.

Fiscal Note:

No fiscal impact.

10. PUBLIC HEARING - QUASI-JUDICIAL- **Approved**

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

- 10.1. Public Hearing of Resolution No. 81-26 regarding a request by Jon Schmidt of Schmidt Nichols, on behalf of 879 Executive Center Drive LLC, for the approval of a Major Planned Development Amendment to the Flamingo Car Wash Parcel of the Palm Beach Lakes Inn and Golf Course Commercial Planned Development (CPD) to establish waivers to allow the placement of specific on-site signs.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 81-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE FLAMINGO CAR WASH PARCEL OF THE PALM BEACH LAKES INN AND GOLF COURSE COMMERCIAL PLANNED DEVELOPMENT, LOCATED AT 879 WEST EXECUTIVE CENTER DRIVE, TO ESTABLISH WAIVERS TO ALLOW THE PLACEMENT OF SPECIFIC ON-SITE SIGNS; DECLARING AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 81-26.

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 with the standards in Section 94-32 of the City's Zoning and Land Development Regulations.

Background Information:

The development located at 879 West Executive Center Drive was originally approved as a Flamingo brand car wash by Resolution No. 257-21. The approval included a monument sign along West Executive Center Drive, but did not include any parking area identification signs. Parking area identification signs are installed on properties to designate entrance and exit points to driveways and parking lots on commercial and multifamily parcels. These signs are regulated by Section 94-407(5) of the Zoning and Land Development Regulations.

During construction, the car wash changed ownership and was rebranded as a Pink Bird car wash. The new owners assessed the site layout, including the access points to the parking lot, and determined that the approved signage was insufficient. This included the location of the monument sign along West Executive Center Drive and the lack of parking area identification signs.

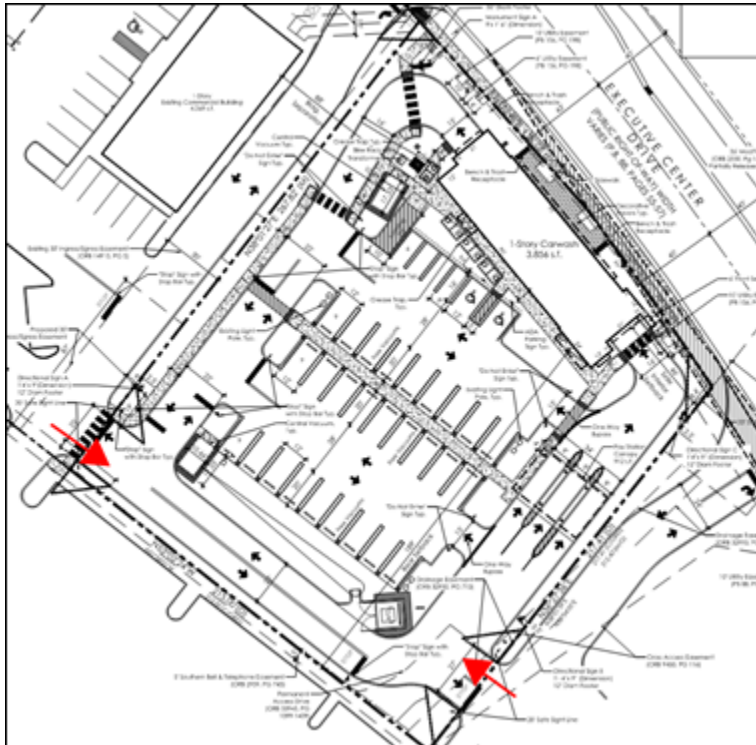
Section 94-407(5) of the Zoning and Land Development Regulations allows parking area identification signs at the entrance and exit points of commercial sites, provided that the signs meet certain listed criteria. The criteria include size, location, and number of signs. The proposed Pink Bird parking area identification signs comply with the sign face area and height maximums; however, two (2) of the signs do not comply with the location criteria, and one (1) does not comply with the location and number of sign criteria. Since the proposed parking area identification signs do not meet the Zoning and Land Development Regulations, the applicant has requested waivers from the code requirements. Staff provided an analysis of the four (4) waivers required for the three (3) parking area identification signs in the Waivers section of the report.

The approved site plan for the original car wash includes a monument sign along West Executive Center Drive that complies with Section 94-408(d), *Signs permitted in general commercial (GC)*. Resolution No. 257-21 specifies that unless the development regulations contained in the resolution state otherwise, the GC zoning regulations apply. The applicant is proposing a location for the monument sign that does not comply with the setback requirements from another lot, so Resolution No. 257-21 must be amended to include a waiver to the setback requirement. Staff provided an analysis of the waiver required for the monument sign in the Waivers section of the report.

WAIVERS

The car wash building at 879 West Executive Center Drive is constructed with an urban placement at the front of the property, so the vehicular entrances to the site are not directly from West Executive Center Drive. The vehicular entrances to the site (**Figure 1 – Site Access**) are from easements, on adjoining properties, that are parallel to the north and south boundaries of the site. Since entrances to parking lots are typically from an adjacent right-of-way, parking area identification signs are permitted to have a zero-foot setback from a public right-of-way but are required to be twenty (20) feet from another lot line. For this site, the entrances are from the adjoining properties, so if the parking area identification signs were located twenty (20) feet from the lot line, the signs would not function to designate the entrance points to the site.

Figure 1 – Site Access



Red Arrows Designate Vehicular Entry Points.

The applicant would like to install three (3) parking area identification signs. The applicant has designated these three (3) signs as “Directional Signs” on the plans and in their Justification Statement, so staff will refer to them the same way for ease of description. One sign is proposed at each vehicular entry point to the site (Directional Signs A and B), and one sign is proposed where the southern access easement meets West Executive Center Drive (Directional Sign C). The proposed sign locations are highlighted in **Figure 2 – Sign Locations**.

Waiver #1 Directional Sign A Section 94-407(5)(e)1. Setback from lot line of another lot. Required: minimum 20 feet; Requested: 2.5 feet.

Waiver #2 Directional Sign B Section 94-407(5)(e)1. Setback from lot line of another lot. Required: minimum 20 feet; Requested: 3.5 feet.

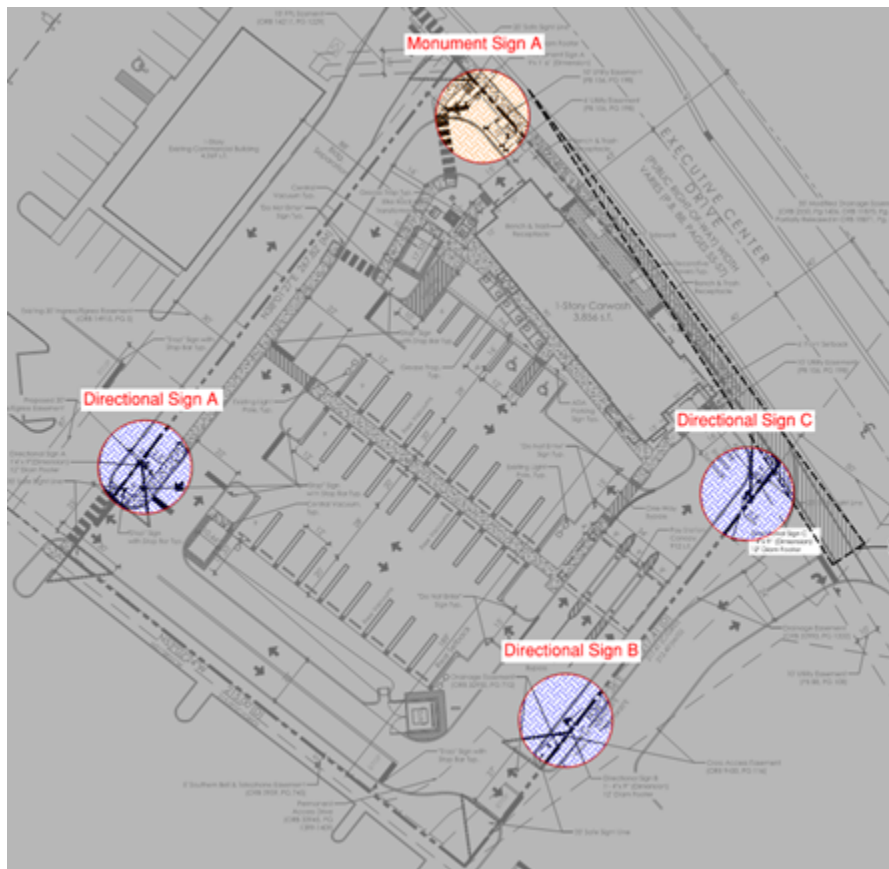
Waiver #3 Directional Sign C Section 94-407(5)(e)1. Setback from lot line of another lot. Required: minimum 20 feet; Requested: 2.5 feet.

As previously stated, the site's vehicular entry points are accessed via easements that run along the sides of the property. These easements function like a public right-of-way and not a traditional side property line, so the placement of parking area identification signs less than twenty (20) feet from these lot lines does not create a negative impact on the neighboring properties. The proposed signs have been positioned to avoid blocking visibility at the entry drives. Staff does not object to the waiver request.

Waiver #4 Directional Sign C Section 94-407(d)(2)(e)1. Number of signs per entrance and exit. Allowed: maximum one sign; Requested: two signs.

The applicant is requesting two (2) signs that provide a directional arrow to the southern entrance to the site. Directional Sign B is located at the actual entry point, while Directional Sign C is located at the intersection of West Executive Center Drive and the access easement. The unique configuration of the site, with no direct entrance from West Executive Center Drive, has potential for customers, especially first-time customers, from missing the entry points to the site. Direction Sign C allows a driver who passed the "main" entry point on the north side of the site to identify where the easement that leads to the southern entry point is located. Staff does not object to this waiver request. Please note that the applicant has listed the subsection being waived incorrectly on the plans and in the Justification Statement.

Figure 2 – Sign Locations



Blue hatched areas contain the Directional Signs.
Orange-hatched area contains the Monument Sign.

The original site approval includes a monument sign that is perpendicular to West Executive Center Drive and meets the 24-foot setback requirement for a low freestanding sign from an abutting property. The applicant is requesting to relocate the monument sign closer than twenty-four (24) feet from the abutting property line, so a waiver is required. The proposed monument sign location is highlighted in **Figure 2 – Sign Locations**.

Waiver #5 Monument Sign A Section 94-408(5)(c). Setback from lot line of another lot. Required: minimum 24 feet; Requested: 10 feet.

According to the Justification Statement, the applicant does not believe that the approved monument sign location provides adequate visibility based on site conditions in the vicinity of the sign. The applicant is proposing to construct the sign at an angle and to move the sign closer to the northern property line, which the applicant believes will provide better visibility to approaching vehicles. Since the access easement to the north of the car wash site is a right turn out only, the location of the sign closer than twenty-four (24) feet to the property line will not create any site visibility issues. The proposed

sign complies with all other low freestanding sign standards. Staff does not object to this waiver request.

STANDARDS

The Planning Division has determined that the Major Planned Development Amendment meets all eight (8) of the amendment standards found in Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations.

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

PLANNING BOARD

At their Public Hearing on March 17, 2026, the Planning Board recommended approval (6-0) of the Major Planned Development Amendment to the City Commission after determining it complies with the amendment standards found in Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations.

NOTICE

Individual notices were mailed to all property owners within 500 feet of 879 West Executive Center Drive. Signs for the Major Amendment were posted on the property on February 27, 2026.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

No fiscal impact.

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- 6:07 PM

*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.