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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
Pass/Fail Agenda
Monday, September 29, 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- 5:00 PM

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. APPOINTMENTS- **APPROVED.**

- 6.1. Commission approval is requested for the Mayor's reappointment of Leo R. Parry to the Library Board for a term of three (3) years to expire on July 20, 2028. Mr. Parry has served over the maximum allowed number of terms (3), and it is required that the City Commission confirm his reappointment.

Originating Department:

Mayor's Office

Staff Recommended Motion:

Approve reappointment of Leo R. Parry to the Library Board for a term of three (3) years to expire on July 20, 2028.

Background Information:

Mr. Parry's commitment to the Board and his institutional knowledge enhance the capabilities of the committee.

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. Minutes of the August 4, 2025, Regular City Commission Meeting.

Originating Department:

Mayor's Office

- 7.2. Minutes of the August 18, 2025, Regular City Commission Meeting.

Originating Department:

Mayor's Office

- 7.3. Resolution No. 231-25 calling for a General City Election to be held on Tuesday, March 10, 2026, for the purpose of electing three (3) City Commissioners and calling for a General City Run-off Election to be held on Tuesday, March 24, 2026, if necessary.

Originating Department:

Mayor's Office

Ordinance/Resolution:

RESOLUTION NO. 231-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, CALLING FOR A GENERAL CITY ELECTION TO BE HELD ON TUESDAY, MARCH 10, 2026, FOR THE PURPOSE OF ELECTING THREE (3) CITY COMMISSIONERS; CALLING FOR A GENERAL CITY RUN-OFF ELECTION TO BE HELD ON TUESDAY, MARCH 24, 2026, IF

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

Background Information:

The City Charter and the Code of the City of West Palm Beach provide for a General City Election to be called by the City Commission on the second Tuesday in March, March 10, 2026, for the purpose of electing three (3) City Commissioners: one residing in District 1, one residing in District 3, and one residing in District 5. These laws also require that a General City Run-off Election be called by the City Commission on the 14th day after the first election, March 24, 2026, if necessary. Adoption of Resolution No. 231-25 establishes the dates of the election and run-off election.

Fiscal Note:

No fiscal impact.

- 7.4. Resolution No. 239-25 requesting the Palm Beach County Supervisor of Elections conduct the City's March 10, 2026, General City Election and, if necessary, the March 24, 2026, General City Run-off Election and delegating the duties of the City of West Palm Beach Canvassing Board.

Originating Department:

Mayor's Office

Ordinance/Resolution:

RESOLUTION NO. 239-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, REQUESTING THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS TO CONDUCT THE GENERAL CITY ELECTION OF MARCH 10, 2026, AND, IF NECESSARY, THE MARCH 24, 2026 GENERAL CITY RUN-OFF ELECTION; AND DELEGATING THE DUTIES OF THE CITY OF WEST PALM BEACH CANVASSING BOARD TO SHAQUITA EDWARDS, CITY CLERK, FAYE JOHNSON, CITY ADMINISTRATOR, AND KIMBERLY ROTHENBURG, CITY ATTORNEY, OR THEIR DESIGNEE IN THE EVENT OF THEIR ABSENCE, AND WENDY SARTORY LINK, PALM BEACH COUNTY SUPERVISOR OF ELECTIONS, AS A SUBSTITUTE IN THE EVENT THERE IS AN EMERGENCY AND A CANVASSING BOARD MEMBER OR THEIR DESIGNEE CANNOT BE PRESENT FOR THE GENERAL CITY ELECTION OF MARCH 10, 2026, AND THE MARCH 24, 2026, GENERAL CITY RUN-OFF ELECTION, IF NECESSARY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

Section 30-8 of the City's Code of Ordinances, the City Commission, by Resolution, shall have the option to delegate the duties of the canvassing board to the County Canvassing Board or to the County Supervisor of Elections.

Resolution No. 239-25 requests that the Palm Beach County Supervisor of Elections conduct the upcoming elections and delegates the duties of the City's Canvassing Board to the Shaquita Edwards, City Clerk; Faye Johnson, City Administrator; and Kimberly Rothenburg, City Attorney; or their designee in the event of their absence, and Wendy Sartory Link, Palm Beach County Supervisor of Elections, as a substitute in the event there is an emergency and a Canvassing Board member or their designee cannot be present for the General City Election of March 10, 2026, and the March 24, 2026, General City Run-off Election, if necessary.

- 7.5. Resolution No. 208-25 accepting a grant from the University of North Florida Training and Services Institute, Inc., d/b/a Institute of Police Technology and Management in an amount not to exceed \$27,983.61 for the reimbursement of overtime costs incurred for the public education and enforcement of bicycle safety and pedestrian safety; and

Resolution No. 209-25(F) providing for the receipt and appropriation of \$27,983.61 in grant funding.

Originating Department:

Police

Ordinance/Resolution:

RESOLUTION NO. 208-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A GRANT FROM THE INSTITUTE OF POLICE TECHNOLOGY AND MANAGEMENT FOR REIMBURSEMENT OF OVERTIME EXPENSES INCURRED FOR THE PUBLIC EDUCATION AND ENFORCEMENT OF PEDESTRIAN AND BICYCLE SAFETY LAWS; AUTHORIZING EXECUTION OF A CONTRACT BETWEEN THE UNIVERSITY OF NORTH FLORIDA TRAINING AND SERVICES INSTITUTE, INC., D/B/A INSTITUTE OF POLICE TECHNOLOGY AND MANAGEMENT AND THE CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 209-25(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 2024/2025 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 RECEIPT OF FUNDS FROM THE INSTITUTE OF POLICE TECHNOLOGY AND MANAGEMENT (IPTM) FOR REIMBURSEMENT OF OVERTIME COSTS FOR TRAFFIC EDUCATION AND ENFORCEMENT AND TO PROVIDE APPROPRIATIONS FOR THE EXPENDITURES; PROVIDING

AN EFFECTIVE; AND FOR OTHER PURPOSES.

Background Information:

The University of North Florida Training and Services Institute, Inc., d/b/a Institute of Police Technology and Management ("IPTM"), is the recipient of a grant from the Florida Department of Transportation (FDOT) for the education and enforcement of Pedestrian and Bicycle safety laws. The funding is intended to support activities that should reduce pedestrian and bicycle crashes, as they are more likely than any other types of crashes to produce serious injuries or fatalities. West Palm Beach was awarded a portion of the funding allocated to the University of North Florida for the administration of the FDOT grant.

The award notification was received on July 14, 2025, providing \$27,983.61 to the City through an agreement with the University of North Florida Training and Services Institute, Inc., d/b/a Institute of Police Technology and Management ("IPTM"), for the purpose of providing reimbursement for overtime costs incurred for the public education and enforcement of bicycle and pedestrian safety.

This Pedestrian and Bicycle Safety Enforcement Campaign is approved for overtime hourly costs plus benefits for operations to be completed with sworn Police Officers at locations identified by the grantor and are to be carried out between the date of document execution and May 8, 2026. The approved intersections/corridors to conduct operations are identified within the scope of this grant as:

- Broadway Avenue from 41st Street to 55th Street
- North Dixie Highway from 8th Street to 20th Street
- 45th Street from Military Trail to Congress Avenue
- Australian Avenue from Palm Beach Lakes Boulevard to 15th Street
- Okeechobee Boulevard from Seminole Boulevard to I-95
- Palm Beach Lakes Boulevard from Executive Center Drive to Hank Aaron Drive
- Australian Avenue from Okeechobee Boulevard to Banyan Boulevard

Each year, if the City meets the terms set forth in the agreement, IPTM may award additional funds. Those funds are accepted through an agreement that must be executed by all parties before the additional overtime is performed.

Resolution No. 208-25 accepts the grant and authorizes execution of the grant agreement, and Resolution No. 209-25(F) appropriates the funds.

Enforcement areas of operation are within the boundaries of Districts 1, 2, 3, and 4.

- Commission District 1: Commissioner Cathleen Ward.
- Commission District 2: Commissioner Shalonda Warren.
- Commission District 3: Commissioner Christy Fox.
- Commission District 4: Commissioner Joseph Peduzzi.

Fiscal Note:

Approval of this item will provide reimbursement for overtime costs incurred for the public education and enforcement of bicycle and pedestrian safety.

- 7.6. Resolution No. 222-25(F) amending the General Fund Budget to recognize insurance proceeds in the amount of \$245,768 to provide appropriations for police vehicle replacements.

Originating Department:

Police

Ordinance/Resolution:

RESOLUTION NO. 222-25(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 2024/2025 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 FOR THE RECEIPT OF INSURANCE PROCEEDS TO PROVIDE APPROPRIATIONS FOR POLICE VEHICLE REPLACEMENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The West Palm Beach Police Department (WPBPD) operates numerous police vehicles, both marked and unmarked. Throughout the year, several vehicles are involved in vehicle crashes and are deemed a total loss, or become non-operational outside of the contracted service life. These vehicles are sent to an auction company contracted by the City. Revenues collected from the auction and insurance are used to offset replacement costs for police fleet operations.

The WPBPD is requesting funds transferred via Resolution No. 222-25(F) from revenues received from insurance proceeds from Account No. 001-031200-000-364001-00000000 as follows:

- Total: \$245,768

Funds to be transferred into Police Automotive Account No. 001-031200-521--500641-00000000 for replacement police vehicles and unfitting as follows:

Resolution No. 222-25(F) amends the General Fund Budget to recognize auction proceeds of \$245,768 to provide appropriations for police replacement vehicles.

Fiscal Note:

Approval recognizes auction proceeds in the amount of \$245,768 to provide appropriations for police replacement vehicles.

- 7.7. Resolution No. 219-25 approving submittal of an application to the Florida Department of State, Division of Library and Information Services for the State Aid to Libraries Grant to assist the Mandel Public Library of West Palm Beach in maintaining and developing vital services during FY 2025-2026.

Originating Department:

Library

Ordinance/Resolution:

RESOLUTION NO. 219-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE FLORIDA DEPARTMENT OF STATE FOR A STATE AID TO LIBRARIES GRANT FOR OPERATION AND MAINTENANCE OF THE MANDEL PUBLIC LIBRARY; AUTHORIZING EXECUTION OF A GRANT AGREEMENT AND OTHER DOCUMENTS; 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 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. Expends 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 approves this agreement on behalf of the City.

- 7.8. Resolution No. 220-25 approving a Utility Work by Highway Contractor Agreement (UWHCA) with the Florida Department of Transportation (FDOT) for the performance of City Utility Work in conjunction with State Road No. 91, Florida's Turnpike Widening Project (from North of Okeechobee Boulevard to South of Beeline Highway); and

Resolution No. 221-25(F) appropriating \$4,000,000 from Public Utilities Water and Sewer Renewal and Replacement Fund Reserve for Future Projects for the cost of utility relocation within the Florida Department of Transportation (FDOT) State Road No. 91 Florida's Turnpike Widening project (from North of Okeechobee Boulevard to South of Beeline Highway).

Originating Department:

Public Utilities

Ordinance/Resolution:

RESOLUTION NO. 220-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A UTILITY WORK BY HIGHWAY CONTRACTOR AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE FLORIDA DEPARTMENT OF TRANSPORTATION RELATING TO FDOT'S STATE ROAD NO. 91, FLORIDA'S TURNPIKE WIDENING PROJECT (FROM NORTH OF OKEECHOBEE BOULEVARD TO SOUTH OF BEELINE HIGHWAY) WITH AN ESTIMATED COST OF \$4 MILLION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER

PURPOSES.

RESOLUTION NO. 221-25(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 2024/2025 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 RENEWAL AND REPLACEMENT FUND BUDGET TO PROVIDE APPROPRIATIONS FOR A UTILITY WORK BY HIGHWAY CONTRACTOR AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION IN CONJUNCTION WITH STATE ROAD 91, FLORIDA'S TURNPIKE WIDENING PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

In January 2026, the Florida Department of Transportation (FDOT) will be soliciting bids for the construction of State Road No. 91, Florida's Turnpike Widening project (from North of Okeechobee Boulevard to South of Beeline Highway) ("FDOT Project"). The FDOT Project involves the widening of a segment of the Turnpike Mainline/SR91, increasing the number of travel lanes from four (4) to eight (8). The work includes pavement widening, reconstruction, milling and resurfacing, bridge improvements/replacements, drainage improvements, and noise walls. The FDOT Project is anticipated to begin in April/May 2026 for an estimated construction duration of forty-eight (48) months.

Within the 5-mile FDOT Project corridor, the existing City's utilities (water main and sewer force main) are in direct conflict with the proposed noise walls and drainage improvements and will need to be relocated ("Utility Work").

FDOT and the City have determined that it is in the best interest of the public and to the economic advantage of both parties to enter into a Utility Work by Highway Contractor Agreement (UWHCA) to accomplish the City's utility relocation ("Agreement"). Accordingly, the City's related utility work will be competitively bid as part of the FDOT project and constructed by the FDOT Contractor. Under the terms of the Agreement, the City shall reimburse FDOT a total estimated amount of \$4,000,000 for the cost of the Utility Work. This amount includes the estimated cost of utility items, plus a ten percent (10%) construction contingency and a five percent (5%) allowance (mobilization, maintenance of traffic, and general administrative costs in connection with the Utility Work).

Resolution No. 220-25 approves the UWHCA with FDOT for the City's utility relocation within State Road No. 91, Florida's Turnpike Widening project (from North of Okeechobee Boulevard to South of Beeline Highway).

Resolution No. 221-25(F) appropriates \$5,000,000 from the Public Utilities Water and Sewer Renewal and Replacement Fund reserve for future projects for City Utility Work within FDOT Project (in the amount of \$4,000,000) plus construction contingency (in the amount of \$1,000,000).

This project is located in Commission District 4: Commissioner Joseph Peduzzi.

Fiscal Note:

The funding source is the Reserve for Future Projects within the Water/Sewer Renewal and Replacement Fund.

- 7.9. Resolution No. 226-25 approving a new cooperation agreement between the City of West Palm Beach and St. Mary's Medical Center (Hospital) for clinical learning experience between personnel.

Originating Department:

Fire

Ordinance/Resolution:

RESOLUTION NO. 226-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A COOPERATION AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND ST. MARY'S MEDICAL CENTER (HOSPITAL) FOR CLINICAL LEARNING EXPERIENCE BETWEEN PERSONNEL.

Background Information:

The City of West Palm Beach, through its Fire Department, cooperates with local medical institution, St. Mary's Hospital, which provides clinical learning, education, and training of personnel between both entities.

The City participates by allowing St. Mary's nurses to gain a learning experience involving EMS Services, to ride on an advanced life support transport unit, and observe and perform a variety of life-saving skills under the direct supervision of an assigned professional. St. Mary's participates by allowing West Palm Beach Fire Department EMS personnel a clinical learning experience at the Hospital.

The City and St. Mary's Medical Center (Hospital) desire to enter into the Cooperation Agreement, which provides for the respective parties' responsibilities and obligations.

Resolution No. 226-25 approves the City's continued participation in the clinical programs and authorizes the Mayor to execute a new cooperation agreement between the City and St. Mary's Medical Center (Hospital) for clinical learning experience.

Fiscal Note:

No cost. No fiscal impact.

- 7.10. Resolution No. 232-25 authorizing the City's participation in the Medicaid Managed Care Organization Supplemental Payment Program and approving an agreement with the Agency for Health Care Administration for Public Emergency Medical Transport for FY2025 in the amount of \$255,621.02.

Originating Department:

Fire

Ordinance/Resolution:

RESOLUTION NO. 232-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, REAUTHORIZING PARTICIPATION IN THE MEDICAID MANAGED CARE ORGANIZATION SUPPLEMENTAL PAYMENT PROGRAM BY THE CITY OF WEST PALM BEACH AND APPROVING THAT PUBLIC EMERGENCY MEDICAL TRANSPORTATION LETTER OF AGREEMENT FOR THE INTERGOVERNMENTAL TRANSFER OF FUNDS TO THE AGENCY FOR HEALTH CARE ADMINISTRATION FOR THE APPROXIMATE AMOUNT OF \$255,621.02 FOR ANTICIPATED REIMBURSEMENT OF APPROXIMATELY \$597,524.59 FOR A NET INCREASE IN REVENUE OF APPROXIMATELY \$341,903.57; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

This is the seventh year of this revenue source to supplement the current Medicaid reimbursements for medical transports. The current rate is approximately \$190 per transport. By Resolution No. 232-25, the City Commission previously approved the City's participation in the Medicaid Managed Care Organization Supplemental Payment Program. In FY2024, the program reimbursed approximately \$550,007 in revenue. The projected FY2025 revenue of \$341,904 is based on call volume projections.

ADDITIONAL INFORMATION

Medicaid payment rates do not recognize the actual costs incurred by Emergency Medical Services (EMS) providers for the provision of EMS services. As a result, municipalities and counties have been required to use alternative funding sources to supplant the costs incurred through other funding mechanisms, such as allocating taxes and fees. Despite establishing the Public Emergency Medical Transport Medicaid Fee for Service Program in 2016, the medically managed care reimbursement levels remained at inadequate levels.

In a previous legislative session, the Florida Fire Chief's Association championed a legislative effort that led to the approval of new funding. This effort established a Medicaid managed care supplemental payment while preserving the existing Public Emergency Medical Transport Medicaid Fee for Service Program. The new Medicaid Managed Care Payment Program increases Medicaid federal funding available to government-owned Fire and EMS communities.

The most recent legislative session increased the Federal share from \$114 million to \$148 million, which also increased the per-transport reimbursement by an additional \$165. The federal government requires a cost share, and the State of Florida is requiring Palm Beach County and city governments interested in participating in the program to pay in advance.

When the Medicaid insurance providers pay approximately \$190 per transport, they will also pay an additional estimated \$1,247 per transport, as a result of this program, as well as reimburse the City's cost share per transport.

The Agency for Health Care Administration [AHCA] implemented and monitored this program by determining the City's cost share and reconciling payments made by the Medicaid insurance providers. As done in FY2024, participating providers must execute a Letter of Agreement with the AHCA, agreeing to intergovernmental funds transfers to AHCA for FY2025.

Upon finalization of the distribution model, the listed transfer amount in the Letter of Agreement is subject to minor changes by AHCA. Due to the likelihood of minor adjustments to the listed amount, Resolution No. 232-25 approves a transfer amount of up to 10% above or below the currently listed amount of \$255,621.02.

By Resolution No. 232-25, the City Commission reauthorizes participation and approves the Letter of Agreement for the approximate amount of \$255,621.02.

- 7.11. Resolution No. 230-25 approving a License Agreement between the City and Palm Tree Crew Events, LLC. for the Palm Tree Music Festival to be held at the Waterfront on February 14, 2026.

Originating Department:

Parks and Recreation

Ordinance/Resolution:

RESOLUTION NO. 230-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A LICENSE AGREEMENT BETWEEN THE CITY AND

PALM TREE CREW EVENTS, LLC, FOR USE OF WATERFRONT AREAS FOR THE PALM TREE MUSIC FESTIVAL TO BE HELD FEBRUARY 14, 2026; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

The Palm Tree Music Festival is a boutique international music event founded by world-renowned DJ Kygo and his manager, Myles Shear. Since its launch in 2021, the festival has grown into a global brand with editions hosted in destinations such as the Hamptons, Aspen, Saint-Tropez, Sardinia, and, most recently, Napa Valley. Unlike large-scale music festivals, Palm Tree is designed to deliver a more intimate and curated experience, blending world-class performances with high-end hospitality, premium food and beverage offerings, and a destination-focused atmosphere that reflects the character of each host city.

The festival attracts both local residents and international visitors, generating economic activity for surrounding businesses while elevating the cultural profile of its host communities. Each edition is tailored to its location. With its emphasis on quality, creativity, and community, the Palm Tree Music Festival has become a signature event series that brings together music, tourism, and lifestyle in a way that showcases its host destinations on a global stage.

Palm Tree Crew Events, LLC, desires to host the Palm Tree Music Festival at the Waterfront on February 14, 2026, and will pay the City of West Palm Beach a \$30,000 license fee, a \$20,000 security deposit, and will provide the City of West Palm Beach with general liability insurance and liquor liability insurance. Both insurance policies will list the City of West Palm Beach as the additional insured.

Resolution No. 230-25 authorizes the License Agreement.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

License fees as stated above.

- 7.12. Resolution No. 233-25 authorizing the Mayor to grant a License Agreement to Nora West Spruce Owner, LLC for use of an alley in the 1200 block of Spruce Avenue for use as a parking lot.

Originating Department:

Engineering

Ordinance/Resolution:

RESOLUTION NO. 233-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING A LICENSE AGREEMENT TO NORA WEST SPRUCE

OWNER, LLC, FOR USE OF A PORTION OF AN ALLEY LOCATED BETWEEN PALM BEACH LAKES BOULEVARD AND 11TH STREET ON THE NORTH AND SOUTH, AND BOUNDED BY SPRUCE STREET ON THE EAST AND THE FEC RAILWAY ON THE WEST; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

As a condition of approval for NORA's 11th Street and Spruce Parking Lot Project, Formal Site Plan Review Case No. 22-14 (Z22070021), the City agreed to grant a temporary, exclusive license in favor of Nora West Spruce Owner, LLC ("Licensee") to use the alley located between Palm Beach Lakes Boulevard on the North; 11th Street on the South, Spruce Avenue on the East and the FEC Railway on the West, as a temporary surface parking lot for use by Licensee and its affiliates.

Additionally, the City is coordinating with Palm Beach County for the reconstruction of the Palm Beach Lakes bridge over the FEC railway. It has been determined that maintenance easements for the bridge will be required from NORA's property adjacent to the bridge.

For this reason, the City offered to grant the use of the alley in consideration for the future grant of the 10-foot maintenance easement, for the benefit of Palm Beach County, on the properties owned by Licensee and/or its affiliates, along the South side of Palm Beach Lakes Boulevard, East of the FEC Railway.

Resolution No. 233-25 authorizes the granting of the license to temporarily use the alley for parking.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

No fiscal impact.

- 7.13. Resolution No. 227-25 establishing the City's Salary Plan for Fiscal Year 2025-2026.

Originating Department:

Human Resources

Ordinance/Resolution:

RESOLUTION NO. 227-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RELATING TO THE OFFICES, POSITIONS, TITLES AND COMPENSATION FOR THE UNCLASSIFIED SERVICE AND MEMBERS OF THE CLASSIFIED SERVICE FOR THE CITY OF WEST PALM BEACH; ESTABLISHING THE CITY'S SALARY PLAN AND PROVIDING FOR CLASSIFICATION TITLES AND SALARY RANGES; PROVIDING FOR A MANAGEMENT INCENTIVE PLAN;

IMPLEMENTING THE PROVISIONS OF THE CURRENT COLLECTIVE BARGAINING AGREEMENTS BETWEEN THE CITY AND THE FRATERNAL ORDER OF POLICE, THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, THE SERVICE EMPLOYEES INTERNATIONAL UNION/FLORIDA PUBLIC SERVICES UNION, AND THE PROFESSIONAL MANAGERS AND SUPERVISORS ASSOCIATION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

Resolution No. 227-25 sets forth the job classification (job titles) and salary ranges that will be in effect during FY2026. This Resolution has no fiscal impact on the FY2026 proposed balanced budget. The annual allowable FTEs and their corresponding budgeted salary is governed separately via the proposed FY2026 Balanced Budget.

This is a routine item, which is presented to the Commission annually to reflect employee compensation as negotiated with the various bargaining units (FOP, IAFF, SEIU, and PMSA) and to reflect any changes in job titles and/or new job titles, which are approved as part of the annual budget process.

Key Provisions of this Resolution are:

- 3% cost-of-living adjustment (COLA) pay increase for eligible non-represented (non-union) employees, including the City Administrator during FY2026, effective the first pay period beginning on or after October 1, 2025. Employees who have not attained regular (non-probationary) status as of October 1, 2025, are not eligible for the 3% COLA.
- 3% COLA pay increase for SEIU and PMSA represented employees as provided for under their respective 2023-2026 collective bargaining agreements.
- Implements new FOP and IAFF pay step plans as provided for in their respective 2024-2027 collective bargaining agreements.

The Resolution lists all allowable position classifications in alphabetical order with their corresponding FY2026 pay grades. New job classifications are indicated in bold print, and any position pay grade updates are indicated with a carat. ("^").

8. PUBLIC HEARING- ALL ITEMS WERE APPROVED.

- 8.1. Public Hearing and Second Reading of Ordinance No. 5142-25 establishing a City ordinance for the implementation and operation of a school zone speeding enforcement program in accordance with Florida House Bill 657 codified in Chapter 316, Florida State Statute; and

Resolution No. 192-25 designating Police Department staff to serve as Clerk to the local hearing officer for hearings related to enforcement of the City's school zone speeding enforcement regulations.

Originating Department:

Police

Ordinance/Resolution:

ORDINANCE NO. 5142-25: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING CHAPTER 86 (TRAFFIC AND PARKING), ARTICLE III (OPERATION OF VEHICLES), CREATING DIVISION 6 (SCHOOL SPEED ZONE REGULATIONS) SECTION 86-203 — DEFINITIONS; SECTION 86-204 — FINDINGS; SECTION 86-205 — PURPOSE AND INTENT; 86-206 — USE OF SPEED DETECTION SYSTEMS; SECTION 86-207 — SCHOOL ZONES WITH HEIGHTENED SAFETY RISK; SECTION 86-208 — AUTHORIZING TRAFFIC ENFORCEMENT OFFICERS TO ISSUE UNIFORM TRAFFIC CITATIONS; SECTION 86-209 — ADOPTING NOTICE, PENALTY AND APPEAL PROVISIONS PROVIDED IN CHAPTER 316.1896, FLORIDA STATUTES; SECTION 86-210 — SIGNAGE AND PUBLIC AWARENESS CAMPAIGN AND SECTION; 86-211 — ANNUAL REPORTING; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CODIFICATION CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 192-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DESIGNATING STAFF TO SERVE AS CLERK TO THE LOCAL HEARING OFFICER FOR HEARINGS RELATED TO ENFORCEMENT OF CITY'S SCHOOL SPEED ZONE REGULATIONS, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

First Motion: Approve Ordinance No. 5142-25.

Second Motion: Approve Resolution No. 192-25.

Background Information:

The Police Department is requesting approval of Ordinance No. 5142-25 to implement a school zone speeding enforcement program in accordance with Chapter 316, Florida Statutes. The program is intended to further enhance public safety in school zones during the hours of school operations to promote traffic safety and student welfare.

In Florida, school zone speed limits are strictly enforced to protect children. The state has implemented laws authorizing the use of speed cameras to detect and penalize speeding violations in school zones. School speed zone camera enforcement in Florida utilizes automated systems to detect vehicles exceeding the speed limit within school zones during designated times. These systems, employing fixed-site radar or LiDAR, capture images or videos of the speeding vehicle, including its license plate. Citations are then issued to the registered owner, with the fines typically around \$100, and these violations do not incur points on the driver's license.

When a vehicle exceeds the speed limit by a specified margin (often ten [10] miles per hour over), the system captures images or video of the vehicle and its license plate. Law enforcement or a designated authority reviews the evidence to verify the violation. If a violation is confirmed, a citation is mailed to the registered owner of the vehicle. The Police Department reviews each incident and approves the issuance of the notice of violation before it is mailed. Many cities implement a warning or grace period, typically thirty (30) days, where drivers receive warnings instead of citations to encourage compliance. Cameras are typically active thirty (30) minutes before school starts, during school hours, and thirty (30) minutes after school ends.

School zone speeding violations in Florida are typically treated as civil infractions, not traffic violations, meaning points are not typically added to the driver's license. The fine for a school zone speeding violation is typically \$100. Violators can usually pay the fine online, by mail, or by phone. Individuals can dispute the violation by requesting a hearing or filing a sworn affidavit. Failure to pay the fine or contest the violation may result in a Uniform Traffic Citation (UTC) being issued, which could lead to additional fees and potentially higher fines. The registered owner can request a hearing to challenge a violation notice within thirty (30) days of the notice date. The registered owner can submit a sworn affidavit to establish that a statutory exemption applies, according to Florida Statute § 316.0083(1)(d)1.

The revenue generated from these fines is distributed to various entities, including local municipalities, the state general fund, and local school districts. Fines collected from school zone camera violations can be used to fund school resource officers, active shooter detection systems, and other public safety initiatives.

Studies show that speed cameras have significantly reduced accidents and injuries in school zones by deterring speeding and encouraging safer driving habits. The presence of cameras increases driver awareness of speed limits in school zones. Reduced speeding leads to fewer crashes, injuries, and fatalities involving children.

Many Florida cities and counties have implemented school zone speed camera programs. Some examples include:

- Boca Raton
- Boynton Beach
- Bradenton
- Davie
- Deerfield Beach
- Hollywood
- Miami Gardens
- Neptune Beach
- St. Cloud
- Tallahassee
- Wellington

The City conducted a study that supports the installation and operation of the proposed school zone speed detection system, as each location constitutes a heightened safety risk and warrants additional enforcement measures.

Adoption of Ordinance No. 5142-25 establishes definitions, makes findings, states its purpose and intent, authorizes the use of speed detection systems, identifies school zones with heightened safety risks, establishes the program, provides for a public notice campaign, and establishes reporting requirements.

****Second Reading Additions****

The following schools have been identified as meeting the statutory requirements for the school zone speeding enforcement to be included upon initiation of the program:

1. Bak Middle
2. Bear Lakes Middle
3. Belvedere Elementary
4. Conniston Middle
5. Dreyfoos School of the Arts
6. Egret Lakes Elementary
7. Ephesus Adventist Academy
8. Grassy Waters Elementary
9. The Greene School
10. Indian Ridge
11. Jaega Middle
12. Northboro Elementary
13. Northmoore Elementary
14. Palm Beach Day Academy

15. Palmetto Elementary
16. Palmview Elementary
17. Pleasant City Elementary
18. Rosarian Elementary
19. South Olive Elementary
20. St. Juliana Catholic School
21. Westward Elementary

The following schools will require further traffic studies and potential roadway signage improvements to meet the statutory guidelines:

1. Forest Hill High
2. Oxbridge Academy
3. Palm Beach Lakes High
4. Turning Point Academy
5. Renaissance Charter School
6. Cardinal Newman High
7. St. Ann's Catholic School

- 8.2. Public Hearing and Second Reading of Ordinance No. 5143-25 authorizing the sale of City-owned property located at 2410 N. Australian Avenue, in the amount of \$660,000, for the development of an employee-based workforce housing project.

Originating Department:

Housing and Community Development

Ordinance/Resolution:

ORDINANCE NO. 5143-25: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE SALE OF CITY-OWNED PROPERTY LOCATED AT 2410 NORTH AUSTRALIAN AVENUE; APPROVING A SALE AND PURCHASE AGREEMENT, WORKFORCE HOUSING AGREEMENT, AND RELATED EASEMENTS BETWEEN VDG LAND CO., LLC AND THE CITY OF WEST PALM BEACH TO FACILITATE THE DEVELOPMENT OF AN EMPLOYEE-BASED WORKFORCE HOUSING PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5143-25 on Second Reading.

(Note: Must be approved by 4/5ths of Commission at either First or Second Reading).

First Reading was approved unanimously on Monday, September 15, 2025.

Background Information:

The City of West Palm Beach owns real property located at 2410 N. Australian Avenue, consisting of approximately 1.16 acres (50,365 square feet). The site is currently vacant and zoned Recreation Open Space. By Resolution No. 39-25, the City Commission determined that the property is not needed for City purposes, declared it surplus, and authorized negotiations with VDG Land Co., LLC, for the sale of the property to enable a workforce housing development.

The property, located between Palm Beach Lakes Boulevard and 36th Street, is bordered on the north by land already owned by VDG Land Co., LLC. The southern portion of the City's parcel contains underground utilities connected to a City-owned lift station, as well as overhead power lines. These encumbrances prohibit vertical construction on the southern third of the property, requiring permanent easements to be retained by the City for utility access and maintenance. These limitations reduce the development potential of the parcel and make assemblage with adjoining land essential for viable redevelopment.

VDG Land Co., LLC has proposed acquiring the City parcel and assembling it with three (3) adjoining parcels to develop the Breakers Employee Housing Campus. This project will be the first employer-based workforce housing development in Palm Beach County. The development is planned for up to 155 residential units with amenities such as a community pool and surface parking.

In accordance with Section 2-31 of the City's Code of Ordinances, the sale of surplus real property must be supported by at least two (2) independent appraisals, and the purchase price may not be less than 85 percent (85%) of the average appraised value, unless otherwise approved by the City Commission. Two (2) appraisals were completed, yielding an average value of \$960,000 which established the baseline for negotiations with the Developer.

To facilitate the project, the applicant has submitted requests to amend the Future Land Use designation and zoning in accordance with the City's Affordable and Workforce Housing Overlay (AWHO) Program (Ordinance No. 5103-24). Such requests are seeking approval under Ordinance No. 5140-25 and Ordinance No. 5141-25. Pursuant to the Affordable and Workforce Housing Overlay (AWHO) Program, fifty percent (50%) of the additional bonus density units must be restricted as workforce housing during the affordability period. Based on the project's proposed density, this requirement equates to 39 restricted units. The Developer is receiving credit for these 39 restricted units as they are directly tied to the bonus density granted under the AWHO.

The City acknowledges that the required 39 restricted units satisfy the Workforce Housing Ordinance distribution of 25% of the restricted units at or below 80% AMI, 45% at 81–100% AMI, and 30% at 101–120% AMI.

Beyond this baseline, the Developer has committed to provide 40 additional restricted units under a deeper affordability structure: 15% at or below 60% AMI, 30% at 61–80% AMI, 30% at 81–100% AMI, and 25% at 101–120% AMI. Incorporating these commitments, the total of 79 restricted units no longer mirrors the ordinance's standard distribution. Instead, the final mix represents an enhanced affordability profile, including the introduction of a 60% AMI tier—a level of affordability not otherwise required by ordinance but secured through negotiation.

The averaged appraised value of the property was \$960,000; however, in recognition of the additional workforce units and deeper affordability tiers and contribution toward utility infrastructure needs, a final negotiated sales price of \$660,000 is proposed. This amount incorporates: (i) an effective \$600,000 credit [\$15,000 per additional unit] in recognition of the 40 units provided beyond ordinance requirements, and (ii) a \$200,000 Public Utilities contribution toward odor control improvements at the adjacent City-owned lift station.

As part of the financial structure, \$300,000 of the \$660,000 sales price will be appropriated to the Public Utilities account to offset the Developer's share of the odor control improvement. The remaining \$360,000 in land sale proceeds will be deposited into the City's Housing Trust Fund in accordance with Resolution No. 83-16, which requires revenues from the sale of City-owned property to be deposited into the Housing Trust Fund to support future housing projects.

The negotiated purchase price of \$660,000, together with the workforce housing commitments, utility cost-sharing, and closing conditions, is memorialized in the Purchase and Sale Agreement, Workforce Housing Agreement, and related easement agreements to protect City infrastructure. A unanimous waiver of the requirements of Sec. 2-31(27)(c) of the City Code was granted at First Reading of the Ordinance.

Closing on the sale is contingent upon the Developer obtaining site plan approval within 18 months and providing evidence of sufficient financing within 24 months to fully fund the project.

Additionally, the transaction includes the waiver of all of the City's interest in all the phosphate, minerals, and metals, and all petroleum that is or may be in, on, or under the Property, along with the rights to mine same, which would otherwise inure to the City pursuant to Section 270.11, Florida Statutes.

Staff recommends approval of Ordinance No. 5143-25 authorizing the sale of City-owned property located at 2410 N. Australian Avenue and approving all related agreements and documents to facilitate the development of this project.

Commission District 1: Commissioner Cathleen Ward.

Fiscal Note:

The sale price of \$660,000 will be split with \$300,000 being appropriated to Public Utilities and \$360,000 to the City's Housing Trust Fund. An F-Resolution will be brought forward closer to the time of closing.

- 8.3. Public Hearing of Resolution No. 246-25 approving an Interlocal Agreement between the City of West Palm Beach and Palm Beach County for the imposition and collection of transportation capacity impact fees.

Originating Department:

Mayor's Office

Ordinance/Resolution:

RESOLUTION NO. 246-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND PALM BEACH COUNTY FOR THE PURPOSES OF ESTABLISHING THE FRAMEWORK FOR THE IMPOSITION AND COLLECTION OF TRANSPORTATION CAPACITY IMPACT FEES; PROVIDING FOR AN EFFECTIVE DATE; AND OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 246-25.

Background Information:

In 2024, the Florida Legislature enacted House Bill 479, codified in Section 163.3180(5)(j), which provides that where a county and city charge a Developer of a new development or redevelopment a fee for transportation capacity impacts, the county and city must create and execute an interlocal agreement to coordinate the mitigation of their respective transportation capacity impacts. In accordance with HB 479, the City passed Ordinance No. 5130-25 on May 27, 2025, repealing concurrency and approving the Downtown Mobility Fee Technical Report and Downtown Mobility Fee, which became effective August 2, 2025. The statute further requires that when both the City and the County charge a developer of new development or redevelopment a fee for transportation capacity impacts, the county and municipality must create and execute an interlocal agreement to coordinate the mitigation of their respective transportation capacity impacts.

Since that time, the City and Palm Beach County staff have worked together to establish terms and conditions for an interlocal agreement that establishes a plan-based methodology approach for Transportation Capacity Fee(s) that replaces the County's Road Impact Fees, within

established Mobility Fee Assessment Areas within the City's jurisdiction. The interlocal agreement also establishes the City as the collection entity for Transportation Capacity Fees within the City established Mobility Fee Assessment Areas and provides for the methodology for the distribution of Transportation Capacity Impact Fees for both City and County transportation and mobility capacity improvement projects. The interlocal immediately establishes the fee schedule and distribution for the Downtown West Palm Beach Mobility Fee Assessment Area and sets the parameters for the establishment of Transportation Capacity Impact Fees outside of the Downtown once the City's mobility fee technical report for the other established Mobility Fee Assessment Areas has been completed.

Resolution No. 246-25 will authorize the Mayor to sign the Interlocal Agreement for execution by Palm Beach County and provides for the authority for the Mayor to execute future amendments related to the addition or subtraction of transportation or mobility projects within Mobility Fee Assessment Areas and non-material changes to the agreement, for the duration of the five (5) year term of the interlocal.

Fiscal Note:

In FY 2026, the City is expected to collect between \$3 - \$5 million in Transportation Capacity Impact Fees.

9. PUBLIC HEARING - QUASI-JUDICIAL- ALL ITEMS WERE APPROVED.

Disclosure of ex-parte communications, if any*

Swearing-in of witnesses.

- 9.1. Public Hearing and Second Reading of Ordinance No. 5140-25 regarding a Future Land Use Map Amendment to change the Future Land Use designation of approximately 2.46 acres located at 2410, 2460, and 2508 North Australian Avenue from Community Service (CS) and Commercial (C) to Multifamily (MF); and

Public Hearing and Second Reading of Ordinance No. 5141-25 regarding a Rezoning to change the Zoning designation of approximately 2.46 acres located at 2410, 2460, and 2508 North Australian Avenue from Recreation and Open Space (ROS) and Neighborhood Commercial (NC) to Multifamily High Density Residential (MF32).

The above-referenced requests are being made 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.

Originating Department:

Development Services

Ordinance/Resolution:

ORDINANCE NO. 5140-25: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF WEST PALM BEACH, FLORIDA, BY CHANGING THE FUTURE LAND USE DESIGNATION OF THREE (3) PARCELS LOCATED ON THE EAST SIDE OF NORTH AUSTRALIAN AVENUE, SOUTH OF 25TH STREET, AND NORTH OF NORTH MANGONIA DRIVE, APPROXIMATELY 2.46 ACRES, FROM COMMUNITY SERVICE (CS) AND COMMERCIAL (C) TO MULTIFAMILY (MF); DECLARING THE PROPOSED AMENDMENT TO THE FUTURE LAND USE MAP TO BE CONSISTENT WITH ALL OTHER ELEMENTS OF THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 5141-25: 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, FLORIDA, BY CHANGING THE ZONING DESIGNATION OF THREE (3) PARCELS LOCATED ON THE EAST SIDE OF NORTH AUSTRALIAN AVENUE, SOUTH OF 25TH STREET, AND NORTH OF NORTH MANGONIA DRIVE, APPROXIMATELY 2.46 ACRES, FROM RECREATION AND OPEN SPACE (ROS) AND NEIGHBORHOOD COMMERCIAL (NC) TO MULTIFAMILY HIGH DENSITY RESIDENTIAL (MF32); DECLARING THIS ZONING MAP AMENDMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; REVISING THE ZONING MAP OF THE CITY ACCORDINGLY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5140-25, a Future Land Use Map Amendment to change the Future Land Use designation of approximately 2.46 acres located at 2410, 2460, and 2508 North Australian Avenue from Community Service (CS) and Commercial (C) to Multifamily (MF). 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 request meets the "Changed Assumptions" standard of Future Land Use Policy 1.1.5 of the City's Comprehensive Plan.

Approve Ordinance No. 5141-25, a rezoning to change the Zoning designation of approximately 2.46 acres located at 2410, 2460, and 2508 North Australian Avenue from Recreation and Open Space (ROS) and Neighborhood Commercial (NC) to Multifamily High Density Residential (MF32). 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 Section 94-32 of the City's Zoning and Land

Development Regulations.

Background Information:

The subject property is comprised of three (3) separate parcels, with the addresses of 2410, 2460, and 2508 North Australian Avenue, consisting of approximately 2.46 acres. Specifically, the subject property is located on the east side of North Australian Avenue, between 25th Street and North Mangonia Drive. The subject property has frontage along North Australian Avenue and contains an existing office building and vacant lots.

The applicant is proposing a residential development of 155 dwelling units, including 79 workforce housing units, in a mix of 1-, 2-, and 3-bedroom units, along with a full program of residential amenities. To allow the requests, applications were submitted to change the following:

- Future Land Use designation of the subject property from Community Service (CS) and Commercial (C) to Multifamily (MF); and
- Zoning designation of the subject property from Recreation and Open Space (ROS) and Neighborhood Commercial (NC) to Multifamily High Density Residential (MF32).

In accordance with the City's Zoning and Land Development Regulations subsection 94-552(e), a Special Site Plan Review is required for this type of residential development proposal, which will require approval by the City Commission. If the future land use map and zoning map amendments are approved by the City Commission, the applicant will then be required to seek a Special Site Plan Review from the City Commission.

PLANNING BOARD

After a Public Hearing on July 15, 2025, the Planning Board recommended approval (6-0).

PUBLIC NOTICE

Individual notices were mailed to all property owners within 500 feet of the property, and signs were posted on the subject property. Ordinance No. 5140-25 and Ordinance No. 5141-25 were advertised in the Palm Beach Post.

Commission District 1: Commissioner Cathleen Ward.

- 9.2. Public Hearing and First 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

Discussion of 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; 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 DRIVE 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 lesser area.

Discuss Resolution No. 216-25.

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 153 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.

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.

- 9.3. Public Hearing of Resolution No. 214-25, regarding a Major Amendment to the Palm Beach Atlantic University Community Service Planned Development to reduce the number of parking levels in the previously approved parking garage structure generally located on the east side of South Dixie Highway, between Gruber Place and Acacia Road, and to provide for a more contextually appropriate wrap for the treatment of the building facades. The parking garage structure was previously approved by Resolution No. 74-25.

The above reference requested is being made by Joni Brinkman of Urban Design Studio, on behalf of Palm Beach Atlantic University, Inc.

Originating Department:

Development Services

Ordinance/Resolution:

RESOLUTION NO. 214-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE PALM BEACH ATLANTIC UNIVERSITY COMMUNITY SERVICE PLANNED DEVELOPMENT (CSPD), GENERALLY LOCATED BETWEEN SOUTH DIXIE HIGHWAY AND SOUTH FLAGLER DRIVE, SOUTH OF OKEECHOBEE BOULEVARD, TO MODIFY THE APPROVED PARKING GARAGE STRUCTURE, LOCATED EAST OF SOUTH DIXIE HIGHWAY, BETWEEN GRUBER PLACE AND ACACIA ROAD, BY REDUCING THE BUILDING HEIGHT AND TO PROVIDE FOR A MORE CONTEXTUALLY APPROPRIATE WRAP FOR THE TREATMENT OF THE BUILDING FACADES; GRANTING CERTAIN WAIVERS; DECLARING THIS AMENDMENT CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 214-25 for a Major Amendment to the Palm Beach Atlantic University Community Service Planned Development to amend the parking garage structure approved by Resolution No. 74-25, by reducing the number of parking levels, to grant a waiver to the building setback along South Dixie Highway, and to provide for a more contextually appropriate wrap for the treatment of the building facades of the garage structure.

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:

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

On April 14, 2025, the City Commission adopted Resolution No. 74-25, approving the development of a new 300-foot-tall student dormitory building and an 11-level parking garage structure within the boundaries of the Palm Beach Atlantic University (PBAU) Community Service Planned Development (CSPD). At the Commission meeting, several commissioners expressed concerns regarding the garage height and the façade treatment to screen the garage element along the South Dixie Highway corridor. The concerns raised were that the garage structure was too tall and the treatment to mask the garage along the South Dixie Highway corridor was not effective in blending with the buildings in the surrounding area. Ultimately, the Commission recommended approval of the development with the added condition that the applicant would file a Major Amendment application to revise the façade treatment of the garage structure for a more contextually appropriate wrap [Reference: Condition 19(p) in Resolution No. 74-25].

This application represents the filing of the Major Amendment to address the Commission's concerns and the added condition imposed for the parking garage structure. It is important to note that the ground-level active use frontage along South Dixie Highway (a 5,272 square foot student fitness center) approved under Resolution No. 74-25, which is an important feature to activating the structure's primary street frontage, will not be changed or modified in this amendment.

PROPOSED MODIFICATIONS TO THE PARKING GARAGE STRUCTURE

1. Reduction in the Number of Parking Levels (From 11 Levels to 8½ Levels):

The applicant will address the concern with the height of the garage structure by proposing to reduce the number of parking levels from 11 levels (approved) to 8½ levels (proposed) of parking. It is important to note that the commission approved the parking garage structure at 11 levels; however, due to the concern raised with the height, the applicant has voluntarily reduced the height of the structure by 20.99 ft. or 2½ levels of active parking. **Table 1** summarizes the changes between the approved and proposed parking garage structures.

Table 1:
Comparison of the Approved and Proposed Parking Garage Structure

		Number of Parking Levels	Provided Parking Spaces
Approved Garage (Resolution No. 74-25)	Parking	11 Levels (127' tall structure)	888 spaces
Proposed Garage	Parking	8 ½ Levels (106.01' tall structure)	703 spaces
Difference		-2½ Levels (-20.99 ft. in height)	-185 space

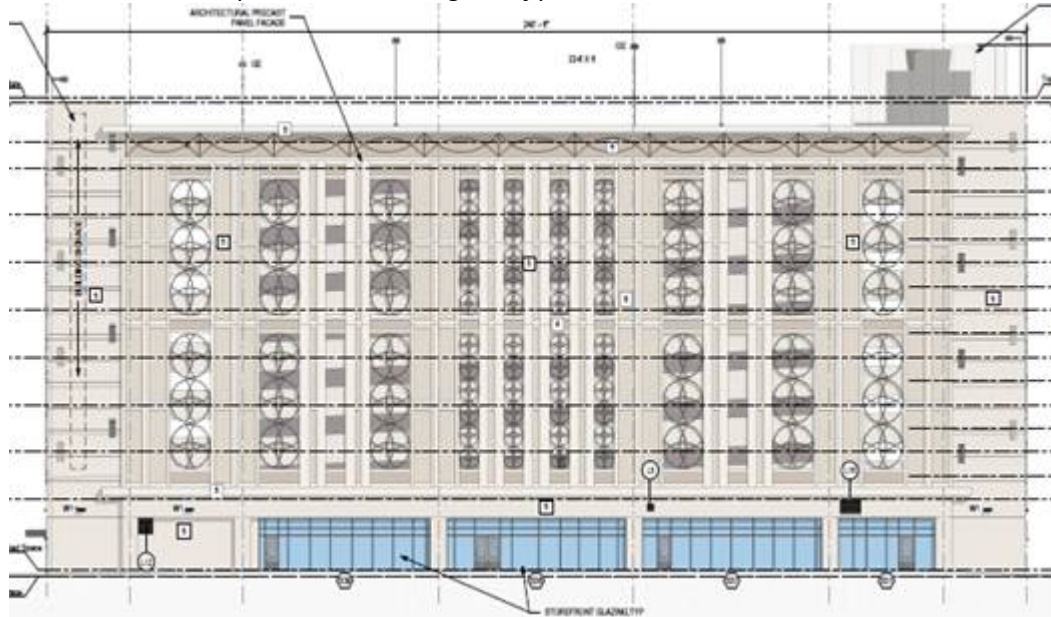
As shown in **Table 1** above, the number of parking spaces provided will be reduced by 185 in the amendment. However, with the reduction, the University would still be alleviating the ongoing parking concerns on campus and would be able to meet their parking demand without the need or associated stress of obtaining or maintaining parking leases with nearby providers. Therefore, staff do not have any issues with the reduction in the height/number of levels for the parking garage.

2. Façade Treatment:

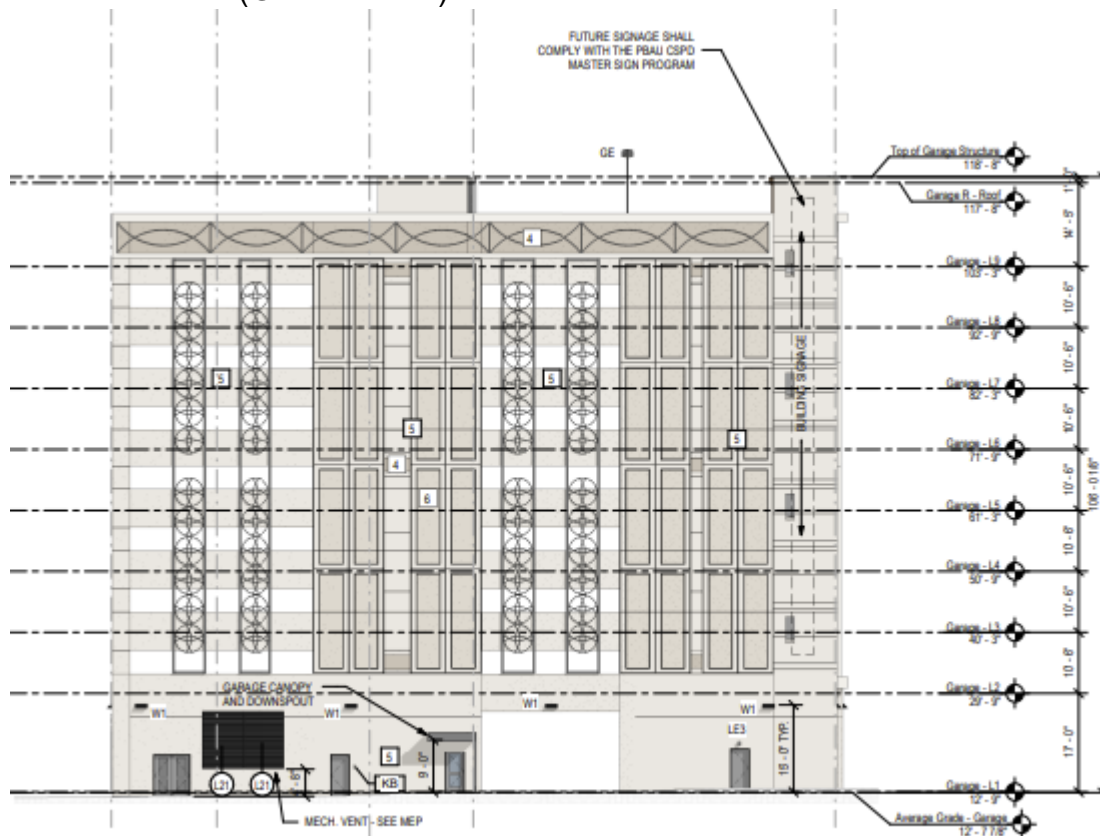
To address the concerns with the façade treatment, the applicant was advised to meet with and receive input from the City's ArtLife Director, Sybille Canthal. Staff was given a tour of the campus, and it was determined that an Ichthys "fish" symbol, which is present throughout the University, should be utilized on the façade. The façade treatment would need to be compatible and cohesive with the existing buildings within the campus and the surrounding area. The final elevations showing the treatment of the building façades are presented in **Figure 1** below.

**Figure 1:
Proposed Parking Garage Building Elevations (West, North and South)**

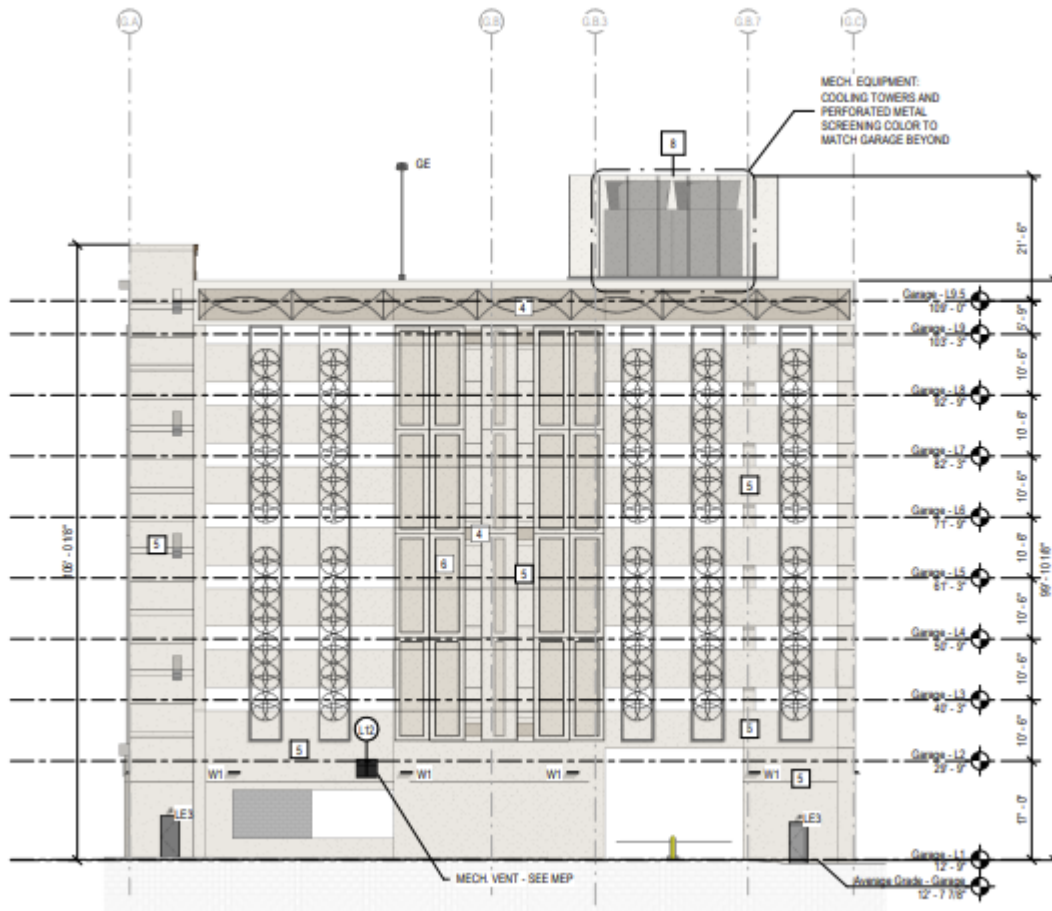
West Elevation (South Dixie Highway):



North Elevation (Gruber Place):



South Elevation (Acacia Road):



The applicant has worked continuously with staff on the design and treatment of the façades in the review process. The treatment is wrapped along the entire west, north, and south facades (which are façades located along a street frontage) to provide for a seamless and cohesive design for the parking garage structure.

Requested Waiver: Building Setback Along South Dixie Highway (Primary Façade).

In order to provide for the proposed façade improvement along South Dixie Highway, the applicant is seeking a waiver from the minimum required building setback of eight (8) feet along the South Dixie Highway frontage to accommodate six (6) encroaching support columns. The support columns are necessary to maintain the integrity of the garage structure with the redesign of the façade. According to the application, each of the six (6) columns will encroach into the required 8-foot setback by 1.5 feet.

The waiver request to the building setback is summarized in **Table 2** below.

**Table 2:
Waiver Request to the Building Setback on South Dixie Highway
(6 Structural Columns Only)**

Required	Proposed	Waiver Requested
8 feet	6.5 feet	1.5 feet

Staff does not object to the requested waiver. The purpose of the waiver is to provide structural support that would allow the applicant to proceed with the design enhancements on the primary façade. The requested waiver to allow for the encroachment of the six (6) support columns is negligible and is not a detriment to the health, safety, and welfare of the general public, and therefore, staff is supporting the waiver request.

CONCLUSION

Staff has determined that the Major Amendment complies with the required *Amendment Standards* and *Site Design and Qualitative Development Standards* of the ZLDRs, and therefore, staff is recommending approval of the Major Amendment, subject to the condition(s) provided in Resolution No. 214-25.

PLANNING BOARD

Prior to the Planning Board meeting on August 19, 2025, the treatment of the building façades did not wrap along the entire north and south façades of the parking garage structure, which created an unfinished appearance on the rhythm of the decorative features when compared to the treatment of the west façade. As a result, staff had presented three (3) conditions for the north and south façades that were presented at the Planning Board meeting:

1. The architectural treatment shall extend along the full (entire) façades of the north and south building elevations.
2. The rhythmic pattern of the decorative element(s) on the west building façade shall be mimicked on the north and south building facades to the greatest extent possible to provide for a seamless and cohesive wrap and treatment of the building. The applicant may utilize a combination of metal panels, concrete scoring, and color palette to address the design consistency.
3. The paint color to be utilized on the west building façade (as presented in the architectural plan set) shall also be incorporated on the north and south building façades for consistency.

Concerns regarding the project's budget to comply with the recommended

conditions listed above were expressed by the applicant at the meeting. Ultimately, the Planning Board voted (5-0) to recommend approval of the Major Amendment with Staff's conditions and with one slight modification to Condition 1 to read as follows:

1. The architectural treatment shall be extended along the full (entire) façades of the north and south building elevations, provided that it does not increase the current budget for the construction of the parking garage structure.

Since the Planning Board meeting, the applicant has diligently worked with staff to address the conditions of the Planning Board. The architectural plans showing the final treatment of the north and south façades (as presented) are satisfactory to staff and are now in compliance with the conditions.

PUBLIC NOTICE

Individual notices were mailed to all property owners within 500 feet of the Palm Beach Atlantic University CSPD boundary, and signs were also posted along the boundaries of the CSPD, per the notice requirements of Sec. 94-398(j) of the Zoning and Land Development Regulations (ZLDRs). In accordance with the advertising requirements of Sec. 94-39(j) of the ZLDRs, the Resolution was advertised in the Palm Beach Post on September 19, 2025.

Commission District 5: Commissioner Christina Lambert.

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- 9:21 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.