AGENDA
VILLAGE COUNCIL MEETING
226 CYPRESS LANE,
PALM SPRINGS, FLORIDA 33461
JANUARY 9, 2020
6:30 PM

COUNCIL

您同意 Mayor Beverly Smith
您同意 Village Manager Richard Reade
您同意 Vice Mayor Joni Brinkman
您同意 Village Attorney Glen Torcivia
您同意 Mayor Pro Tem Patricia Waller
您同意 Village Clerk Kimberly Wynn
您同意 Council Member Douglas Gunther
您同意 Council Member Gary Ready

1. CALL TO ORDER

Mayor Smith called the meeting to order at 6:31 PM

2. ROLL CALL

Council

Present: Vice Member Joni Brinkman, Council Member Gary Ready,
Council Member Douglas Gunther, Mayor Beverly Smith
Absent: Mayor Pro Tem Patricia Waller
Administration

Present: Assistant Public Works Director Chad Girard, Interim Public Works Director David Harden, Parks & Recreation Director Justin Lucas, Program Supervisor Leanna Collazzo, Planning, Zoning and Building Director Kim Glas-Castro and Police Chief Tom Ceccarelli as Sergeant-at-Arms

3. INVOCATION

Village Manager Reade gave the invocation

4. PLEDGE OF ALLEGIANCE

The Village Council led the pledge of allegiance

Mayor Smith took a moment to commend our law enforcement team for Law Enforcement Week and thanked them for their service.

5. ADDITIONS, DELETIONS, OR MODIFICATIONS, AND APPROVAL OF AGENDA

Village Manager Reade stated that Item 7.1., Richard "Dancing Richard" Barriault be added to the Presentations agenda as an Addendum; Item 7.2., Presentation by Palm Beach County be added to the Presentations agenda as Addendum. He also noted that additional information was provided for Item 6.4., Approve Park Connector Pathway System Project - Phase IV (Task Order No. 255).

Council Member Ready made a motion to approve the Consent Agenda as amended, seconded by Council Member Gunther. The motion carries 4-0.

6. CONSENT AGENDA (Public Comment on Consent Agenda Items is permissible prior to voting)

6.1 Approval of Meeting Minutes

Minutes

6.2 Re-appoint Code Enforcement Special Magistrate - Susan Ruby

Proposed Code Enforcement Special Magistrate Agreement - Susan Ruby

Code Enforcement Special Magistrate Agreement 4th Amendment - October 1, 2017

Resolution No. 2015-103 - Code Enforcement Special Magistrate Agreement - October 1, 2015


Village Code - Section 2-232 - Code Enforcement Board

6.3 Approve 2020 Municipal Elections Agreement - Palm Beach County Supervisor of Elections

6.4 Approve Park Connector Pathway System Project - Phase IV (Task Order No. 255) Work Authorization No. WG - G04 - Professional Engineering Services - Parks & Recreation Department (FY 2020 Budget - General Fund) - Wantman Group, Inc.

Work Authorization Park Connector Pathway - Phase IV

Park Connector Pathway Location and Anticipated Timeline Thru FY 2022 Chart

Park Connector Pathway System Project List of Phases Engineering and Construction

Connector Pathway RFQ 2019R-001 Wantman Group Inc.

6.5 Approve Police Department Building Expansion (Task Order No. 269) - Work Authorization #SA-PD01 - Professional Architectural and Engineering Services – Song & Associates, Inc
Professional Services Agreement - Song & Associates
Song & Associates - Task Order No. 269 - Phase I - Architectural and Engineering Design Services
Capital Improvement Project Detail Form - PD Expansion

6.6 Approval of Interlocal Agreement (Amended & Restated) - Access
Public Safety Trunked Radio System - Palm Beach County
Amended and Restated Interlocal Agreement with Palm Beach County
- Direct Connect Agreement

6.7 Approval of Interlocal Agreement - Radio Maintenance Services - Palm Beach County
Interlocal Agreement with Palm Beach County - Radio Maintenance Palm Springs

6.8 Approve Village Wide Landscaping Services - Five (5) Month Extension - Public Service Department (FY 2020 Budget Funded) - Vincent & Sons Landscaping, Inc.
Proposed 4th Amendment to Agreement - Vincent Sons Landscaping, Inc. 3rd Amendment to the Agreement - Vincent & Sons Landscaping, Inc.
2nd Amendment to Agreement - Vincent & Sons Landscaping, Inc. 1st Amendment to the Agreement - Vincent & Sons Landscaping, Inc. Agreement - Vincent & Sons Landscaping, Inc.
6.9 Approve Change Order No. 2 - Canal 11 Road Improvements (Task Order No. 206) - Construction Services - Public Service Department (FY 2020 Budget Funded - General Fund) - DP Development

   Proposed Change Order No. 2 - DP Development Executed Agreement - DP Development
   Capital Improvement Project Detail - Canal Road

6.10 Approve Maintenance Equipment Storage Building (Task Order #261) – Work Authorization EE-P01 – Professional Engineering Services - Public Service Department (FY 2020 Budget - General Fund) – Eckler Engineering

   Work Authorization No. EE-P01 - Eckler Engineering
   Capital Improvement Project Detail - Storage Building for Maintenance Equipment

6.11 Authorize Vehicle Purchase - Piggyback - Public Service Department (FY 2020 Budget Funded - General Fund & Water & Sewer Enterprise Fund) - Florida Sheriff's Association/Florida Association of Counties (Duval Ford)

   Contract Terms & Conditions FSA19 - VEH17.0 & FSA19 - VEL27.0

   Bid Award and Contract FSA19 - VEH17.0 - Available for Review Upon Request

   Bid Award and Contract FSA19 - VEL27.0 - Available for Review Upon Request FSA Vehicle Bid Calendar 2019


6.12 Bid Award for Frost Lake Outfall Improvements (Task Order No. 248) - Public Service Department (FY 2020 Budget Funded - Stormwater Fund) - TCLM Enterprise, Inc.


6.13 Approve Change Order No. 1 - Miller Road Drainage Improvements (Task Order No. 213) - Public Service Department (FY 2020 Budget Funded - Stormwater Enterprise Fund) - TCLM Enterprises

Proposed Change Order No. 1 - TCLM Enterprises Executed Agreement - TCLM Enterprises Preliminary Capital Improvement Project Detail Form - Miller Road

6.14 Acceptance of Easement Agreement - 3395 2nd Avenue North - Mr. Roy Foster

Proposed Easement Agreement - Mr. Roy Foster at 3395 2nd Avenue North Aerial & Location Maps - 3395 2nd Avenue North

6.15 Approve Water Well No. 9 Replacement (Task Order No. 262) - Work Authorization HE-U05 - Professional Engineering Services - Public Service Department (FY 2020 Budget - Water & Sewer Enterprise Fund) - Holtz Consulting Engineers

Holtz Engineering - Task Order No. 262 - Engineering Design and Construction Well No. 9 Replacement
January 9, 2020 Village Council Meeting Minutes

Capital Improvement Form - Well No. 9 Replacement TO#262 Wellfield Map - Well No. 9

6.16 Approve 2019 Christmas Decorating Contest Awards

END OF CONSENT AGENDA

Vice Mayor Brinkman made a motion to approve the Consent Agenda as presented, seconded by Council Member Ready. The motion carries 4-0.

7. PRESENTATIONS

7.1 Richard "Dancing Richard" Barriault - 100 Years Old Proclamation (ADDENDUM)

Mayor Smith read the proclamation into the record. Mr. Barriault was not present to accept the proclamation; however, Mr. Johnnie Tieche accepted it on his behalf and gave comments.

7.2 Presentation by Palm Beach County - Todd Bonlarron – Assistant County Administrator and David Ricks – County Engineer (ADDENDUM)

Transportation Planning Agency (TPA) Board Member 2045 Opposing Expansion of Kirk Road - Various Information - January 2020

Assistant County Administrator Todd Bonlarron presented a PowerPoint presentation to the Council. He discussed the multiple projects taking place between 2033-2045. He talked about the impact fees providing a breakdown of each zone. Mr. Bonlarron talked about the inflow and outflow of traffic in the county.

At this time, he introduced County Engineer David Ricks. Mr. Ricks went into further detail about the projects within Palm Springs jurisdiction such as Kirk Road. Mayor Smith asked Mr. Ricks to explain the proposal of Palm Beach County to expand Kirk Road from four (4) lanes to five (5) lanes. Mr. Ricks talked about Palm Beach County's proposal and mentioned that it was important to have a buffer lane for bicycles.

Vice Mayor Brinkman requested that they speak about the turn lanes.
Assistant Director of Road Service in Palm Beach County Mark Rose talked about the study to add additional lanes lane. The Council ensued in a discussion about turn lanes and the likelihood of more crashes in the area as a result.

Council Member Gunther asked what the age of the E-4 Pedestrian Bridge was. Mayor Smith questioned the timing of the traffic lights and the slow crawl that happens as a result of 10th Avenue North. Mr. Ricks said he would look into this and let them know. Vice Mayor Brinkman stated she was under the impression that this was a FDOT (Florida Department of Transportation) issue.

Walter (sp?) with Palm Beach County talked about the signal light at the intersection. He explained that the pedestrian crossing signal is for both sides of the bridge on 10th Avenue North. Even if there is not a pedestrian on one side, the light will delay because of how it is programmed. Palm Beach County continued to talk about their partnership with the Village on various projects.

7.3 Presentation - 2019 Christmas Decorating Contest Awards

Christmas Decorating Contest Winners

352 Pinehurst Road
305 Pinehurst Road
216 Poe Drive
3117 Carol Avenue
328 Winged Foot Road

Mayor Smith presented certificates and checks to each of the contest winners that were present. The Village Manager gave comments and thanked the staff and residents for their hard work and support.

8. PUBLIC COMMENT The public shall be limited to three (3) minutes to speak on agenda or non-agenda item(s)

9. PUBLIC HEARINGS
9.1 Ordinance No. 2020-01 - Village Code Amendment - Chapter 34 - Special Exception Uses *(FIRST READING)*

Proposed Ordinance No. 2020-01 Chapter 34 - Special Exception Criterion

Village Manager Reade read staff's report. Vice Mayor Brinkman asked for clarification on this ordinance. She wanted to know what staff envisioned and why did staff feel there would be noncompliance. Mrs. Glas-Castro explained the objective is to be sure that special exceptions create economic development in the Village.

Village Attorney Torcivia read the title of the caption into the record.

Mayor Smith offered the public and Council Members an opportunity to speak on this item. There were no public comments.

Council Member Ready made a motion to approve Ordinance No. 2020-01, seconded Council Member Gunther. The motion carries 4-0.

9.2 Resolution No. 2020-01 - Master Site Development Plan - 2601 10th Avenue North

Florida Mango Road *(RaceTrac, Tire Kingdom, Chase Bank & Future Development Area)* *(Quasi-Judicial Hearing)*

Proposed Resolution No. 2020-01 Master Site Plan Development

Village Council Staff Report

Project Narrative and Justification Statements Colored Master Plan Exhibit

Master Site Plan, Master Landscape Plan, Traffic Study and Master Sign

Program Site Photos

Architectural Standards for Commercial Planned Development Traffic Performance Standards Approval and Comment Letters

Aerial and Location Map of 2601 10th Avenue N & Florida Mango Road

Mayor Smith asked the Council if there was any ex parte communication.
Vice Mayor Brinkman disclosed she had ex parte communication. She met with the agents and/or applicants Brian Terry, Harvey Orvy and Samantha Jones. Mayor Smith asked the Village Clerk to swear in all applicants for Items 9.2, 9.3 and 9.4 (all are related). All applicants that were giving testimony were sworn in by Village Clerk Wynn.

Village Manager Reade read staff’s report into the record.

Mr. Brian Terry, Agent for the Applicants, introduced himself and presented his case. Mr. Terry talked about the redevelopment of the new Chase building (88,000 sq ft) on 10th Avenue. He stated that the building is currently occupied by vagrants. Mr. Terry explained that the main entrance of the site would be off 10th Avenue N. Currently forty-one (41) conditions were being requested.

He explained that RaceTrac wanted to leave everything as-is for now and focus on the access points in the area. The egress lane on 10th Avenue North would be removed to allow only a right out only turn. Mr. Terry discussed the proposed landscaping in the area. The goal was to provide beautification. He talked about the three (3) criteria recommended by Staff.

Village Manager Reade read staff’s report into the record regarding the architectural facade of the building. Mr. Terry talked about architectural facade of the building. Mr. Terry talked about the canopy being allowed around the sign. He also discussed the variances.

Vice Mayor Brinkman questioned how the right “out” turn would be controlled. Mrs. Glas-Castro explained that the turn would be a forced right turn (like what is at the McDonald Restaurant on Forest Hill Boulevard). Council Member Ready asked how much traffic is going in and out of Florida Mango Road. Mr. Shawn McKenzie (Applicant) answered what the approximate number of cars were going in and out of Florida Mango Road. Vice Mayor Brinkman asked about the bus shelter at Wawa. The current bus stop is east of Florida Mango Road. Ms. Glas-Castro noted that there were several gas stations with similar use like Marathon,
Valvoline and Valero. Mr. Terry identified that there was an error when he left several places out of the plan.

Council Member Gunther asked if the perimeter wall was a condition of the master plan. What safety features were proposed to keep the property secure. Chief Ceccerelli reported that there were over two hundred 200 calls the past year from the location. Council Member Gunther inquired when the demo happened was there a plan to keep normal operations for the Chase Bank. Mayor Smith asked what the deadline for the TPS was. Mayor Smith read a letter into record from Ms. Cara Eisenberg, General Counsel for Robben Properties (Ramblewood Mobile Home Park), that was delivered via email before the Council meeting for consideration.

Mayor Smith offered the public an opportunity to speak on this item.

1. **Lynda Kenyon 2723 Hayden Drive** - Ms. Kenyon spoke in opposition to this item. She talked about the demolition of the large Chase building and the impact of traffic and congestion in the area. She described a visit to the Tire Kingdom in Lake Park at the suggestion of staff. She asked about the demolition of the large Chase building and the impact of the traffic and the congestion.

2. **June Kerr** - Ms. Kerr spoke in opposition to the project. She asked what was being placed in the small parcel in Lot #1.

3. **Roger St Martin** - stated that we are not starving for gas stations. There is heavy traffic congestion in the area.

4. **Harry Gosman** - Mr. Gosman advised that he was a commercial real estate banker. Palm Springs was Gas Station Capital. He suggested that other things be investigated to be placed there like more apartments and workforce housing. The area is overrun with commercial properties. He talked about the construction on Boutwell Road and suggested something that was less traffic intensive.
5. **Danny Brown 12 Pine Drive** - Mr. Brown discussed the difficulty with the traffic and noise. With the introduction of more businesses would be more crime and noise.

6. **Peggy Van Arnem** - Mrs. Van Arnem felt the projects were too big for the area. She discussed the noise on Luzon Street and stated that it would be compounded with this proposed project.

Hearing no further comment, Mayor Smith closed public comment.

Mayor Smith talked about the traffic in the area and the detriment to the neighborhood. She was not in support of the project. She would like to see a wall built before any demolition is done instead of a tarp.

Mr. Terry spoke on the building as a security risk. He said that a wall was a significant investment and that it was counterproductive to what was being proposed.

Vice Mayor Brinkman asked would the trucks have access from Florida Mango Road. Vice Mayor Brinkman asked what could be provided to protect the residents during the demolition.

Mrs. Glas-Castro explained the conditions recommended by staff. Council Member Gunther suggested that a privacy wall has to be put in place before demolition.

Mr. Terry suggested that the wall be constructed prior to the certificate of occupancy.

Vice Mayor Brinkman gave the conditions of approval as follows:

- The site plan shall be revised prior to permitting to show the continuation of the existing aluminum fence along the south side of proposed Lot 1
- Perimeter compatibility treatments along the west side of Lot #4 shall be installed prior to the commencement of any construction/first building permit within the CPD. Other perimeter compatibility treatments, specifically 6’ privacy walls and landscaping along the north and west sides, shall be installed prior to commencement of construction on the abutting parcel. All other landscaping, including entry features,
shall be installed prior to 1st Certificate of Occupancy
  • Property owner shall maintain security on vacant Lot #1. Security lighting to the satisfaction of the Police Chief shall be installed on Lot #1 prior to issuance of the first Certificate of Occupancy
  • Use of construction vehicles/equipment is restricted to the hours of 9:00 am to 4:00 pm, Monday - Friday.

Ms. June Kerr spoke on this item. She stated that the applicant cannot meet the requirements of the ordinance. RaceTrac failed to meet two (2) of the conditions approving the application. She continued to read her letter into the record.

Mr. Brown talked about the difficulty to get gas from the local Walmart because of traffic. Mayor Smith asked if the Council wanted to consider the hours. Council Member Ready asked if there was a rule against 24-hour operations within a certain vicinity of I-95. He was advised there were no rules. Mrs. Glas-Castro stated that the applicant was eliminating the sign variance request. Mr. Terry spoke on why the waiver was removed.

Council Member Gunther made a motion to approve Resolution No. 2020-02 with conditions, seconded by Vice Mayor Brinkman. The motion carries 3-1 (Mayor Smith dissenting)

9.3 Resolution No. 2020-02 - Site Development Plan (SPR19-12) and Waiver, Special Exception Use (PSSE19-08), Hours of Operation Variance (PSV19-22) and Sign Variances (PSV19-23 and PSV19-24) - RaceTrac - 2601 10th Avenue North (Quasi-Judicial Hearing)

Proposed Resolution No. 2020-02

Exhibit "A" - Staff Report and Conditions of Approval

Site Plan, Landscape Plans, Floor Plan, Elevations and Engineering Plans Project Narrative and Justification Statements

Village Code - Section 34-606 - Special Exception Use Traffic Performance Standards Letter and
Comment Letters Aerial and Location Maps
Map of Existing Gas Stations and Car Washes
DRAFT Planning and Zoning Advisory Board Minutes 12-10-2019

The Village Manager read staff's report into the record.

Mr. Terry stated that the Applicant's request is consistent with other businesses in the area such as Walmart, Wawa and other gas stations. He discussed the traffic study and how Palm Beach County agreed that they comply. Mr. Terry talked about the proliferation of gas stations in the Village. He said that the gas stations were on opposite sides of the street that people traveled. Typically, people prefer to get gas on their way to and from work. They do not want to cross traffic. Mr. Terry discussed the traffic trips on 10th Avenue. He continued to talk about special exceptions requested. He stated that long-term it would be requested to extend the wall. This was good consideration. He discussed the special exceptions that were being requested.

Vice Mayor Brinkman talked about foundation chambers. Council Member Ready asked where the drainage was going when the water runs out. Council Member Ready asked about the employment statistics for RaceTrac. Ms. Sandra Jones explained that she would have to get back to him with this information.

Council approved the plan with the following revisions:

- The applicant acknowledged that he withdrew his request for a sign variance (PSV19-23).
- Revised Architectural Graphic depicting modified wall signage and awning colors, presented at the public hearing on January 9, 2020
- The Site Plan and Landscape Plan shall be revised, prior to permitting, to add foundation planting areas along the front (south) façade of the convenience store with shrubs and small palms.

Council Member Gunther made a motion to approve Resolution No. 2020-02 with conditions, seconded by Vice Mayor Brinkman. The motion carries 3-1 (Mayor
Smith dissenting).

9.4 Resolution No. 2020-03 - Site Development Plan (SPR19-14) and Special Exception Use (PSSE19-09) - Tire Kingdom - 2601 10th Avenue North (Quasi-Judicial Hearing)

Proposed Resolution No. 2020-03

Exhibit A - Staff Report and Conditions of Approval Site Plan, Landscape Plans, Elevations and Sign Plans Project Narrative and Justification Statement
Village Code - Section 34-606 - Special Exception Use Traffic Performance Standards Letter and Comment Letters Aerial Map and Location Map
Auto Service Facilities Map

DRAFT Planning and Zoning Advisory Board Minutes 12-10-2019

Vice Mayor Brinkman stated that a condition for approval is to have the wall located on the property. Council Member Gunther asked if the wall would be temporary. Mr. Terry stated that he is not sure if he would make this a permanent condition. Council Member Ready asked about the employment statistics for the Tire Kingdom.

The owner of the Tire Kingdom Jim (sp?) stated that they employed eight (8) to nine (9) employees. The employees were from Mechanics to Master Mechanics, with upward mobility programs. He talked about the hours of operation for their facility.

Ms. Kerr from Ramblewood Mobile Homes spoke in opposition to this project. She opposed the layout of the Tire Kingdom and questioned how trucks would get in the back.

Ms. Lynda Kenyon asked if a chain-link fence or a concrete wall was being proposed to be used as a barrier. Mayor Smith stated that a concrete wall is being proposed. Mrs. Glas-Castro talked about the garbage trucks and how they maneuvered in the area.

Hearing no further comment, Mayor Smith closed public comment.

Mr. Torcivia read the title of the caption into the record with the following
conditions:
A 6’ screening wall shall be extended along the north property line of Lot #4, prior to issuance of the Certificate of Occupancy. Landscaping shall be maintained between the wall and parking. Any future request to remove this wall requires Village Council approval. (Note: See Condition #12 of Master Plan approval, Resolution No. 2020-01.)

Council Member Gunther made a motion to approve Resolution No. 2020-03 with conditions as stated in the staff report, seconded by Council Member Ready. The motion carries 3-1 (Mayor Smith dissenting).

10. ACTIONS AND REPORTS

There were none.

11. VILLAGE MANAGER COMMENTS

Village Manager Reade thanked the staff for their work during the holidays. He asked Mr. Girard to give an update on Canal 11 Road. Mr. Girard gave an update on Canal 11 Road. He said that a significant part of the project should be completed by the end of January or beginning of February. Mr. Lucas gave an update on park restrooms and shade canopies for the playground equipment. He also talked about Foxtail Palm Park. He explained that approximately over half of the money from this project was received from other sources (i.e. grants). Village Manager Reade talked about the tax assistance program (VITA) and AARP. He and Mrs. Glas-Castro would attend a meeting with Palm Beach County about a Joint Participation Agreement for newly annexed properties. New metal signs were being replaced around the Village.

12. VILLAGE COUNCIL COMMENTS

Council Member Ready read a letter into the record regarding Ordinance No. 2019-24 (DRAFT). He discussed several events he attended over the weeks during the holidays. He congratulated Silvia Ward, Kimberly Wynn and Karen Quintero on
receiving their degrees. He paid respects to Mr. Elmer Snook, a longtime employee that recently passed away.

Village Manager Reade addressed Council Member Ready about Ordinance No. 2019-24. He suggested that it be brought back in February as a workshop discussion item. Village Manager Reade also mentioned that he and Mrs. Glas-Castro were working towards their Community Redevelopment Agency certification. Mr. Tieche talked about the dimensions of Canal Road and Davis Road. He expressed his concern that the road was too narrow.

13. ADJOURNMENT

Hearing no further business, Mayor Smith adjourned the meeting at 10:10 PM.

ATTEST:

Bev Smith, Mayor

The undersigned is the Village Clerk of Palm Springs, Florida, and the information provided herein is the Minutes of the Regular Council Meeting held on January 9, 2020. Which minutes were formally approved and adopted by the Village Council on February 13, 2020.

Kimberly M. Wynn, Village Clerk
Next Meeting

_Thursday, February 13, 2020, at 6:30 PM_

If a person decides to appeal any decision made by this Council concerning any matter considered at this meeting, he will need a record of the proceeding, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons who need an accommodation to attend or participate in this meeting should contact the Village Clerk at (561) 965-4010 at least 3 business days before to the meeting to request such assistance
RAMBLEWOOD MOBILE HOME PARK

2714 10th Avenue N
Palm Springs, FL 33461
Phone: 561.968.4394

January 7, 2020

Via email kwynn@vpsfl.org

Kim Wynn, Clerk
Village of Palm Springs, Florida

RE: PUBLIC OPPOSITION TO Racetrac/Tire Kingdom applications, Case nos. SPR-13, SPR19-12, PSSE19-08, PSV19-22, PSV19-23, PSV19-24, SPR19-14, and PSSE19-09.

As the adjacent landowner of Ramblewood Mobile Home Park, we are hereby memorializing our objections to the numerous variances and Special Exceptions requested by Race Trac Petroleum Inc. and 10th Ave. Partnership LTD (aka Tire Kingdom) relative to the case numbers delineated above.

As you can see from the attached Exhibit “1”, Ramblewood Mobile Home Park (“the “Park”) is a Senior Mobile Home Park community consisting of 42 lots that is the parcel on the west of the proposed development site. Most of our tenants own their own homes while others rent the home as well as the lot. All are seeking an affordable solution so they can reside in the area. This is one of the few affordable housing communities left in Palm Springs, Florida. The Park offers its residents a quiet, peaceful, and well-maintained place to live. The majority of the Park residents are on fixed incomes and cannot easily move or find alternative housing. Directly north of the proposed project and adjacent to the Park is a small community of single-family homes. See Ex. “1”. Though there is a chain link fence, there is no visual obstruction between the Park and adjacent residential area which further enhances the residential community at large.
Below, we address some of the specific requests of Race Trac and Tire Kingdom to develop the subject property, but first, we’d like to make a few general observations. The seal to the Village of Palm Springs holds itself out to the Public as “The Garden Spot of Palm Beach County” and “A great place to call home.” The Village will have to grow to support this vision of course, adding new housing and further development. But in the future, will “Garden Spot” really mean the few vestiges of quiet and affordable residential living surrounded by 2 gas stations (the existing Murphy USA Oil with 20 fuel stations located less than 570 feet of the proposed Race Trac and its 20 fuel stations)?

Does “Garden Spot” mean a 5400 s.f., 24-hour Food Mart within sight of a homeowner’s front yard, and an Auto Repair and Tire Garage with 7 service bays creating all kinds of noise, odors, hazardous waste, and traffic? Would allowing the development of intensive commercial uses on the steps of a residential neighborhood demonstrate to all newcomers that the Village of Palm Springs, with over 34 gas stations already within its borders, is “A great place to call home”? Ask yourselves, how many mega gas stations and garages are necessary to service a community of seniors who live in affordable housing and generally walk to nearby stores or take mass transit. The future tagline might inadvertently become: “A great place to get gas and your car serviced while you’re driving through to go home in a nicer area”.

As such, even a cursory review of the 24-hour Race Trac Complex or Tire Kingdom project demonstrates that the applicants cannot meet the requirements set forth in the Village’s Code, Section 36-606 (b) (3), (4) and (5):

In reviewing a request for a special exception use, the village council shall take into consideration all technical, relevant factors and the factors and criteria set forth herein. **A special exception use shall not be approved unless an applicant establishes that all of the following criteria are met:** ... (3) The proposed special exception use is compatible with the character and use (existing and future) of the surrounding properties in its function; hours of operation; type and amount of traffic to be generated; building location, mass, height and setback; and other relevant factors peculiar to the proposed special exception use and the surrounding property. (4) The establishment of

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1/ See attached Exhibit “2” which shows the approximate distance between the two gas station complexes, which is less than 570 feet.
the proposed special exception use in the identified location does not create a concentration or proliferation of the same or similar type of special exception use, which may be deemed detrimental to the development or redevelopment of the area in which the special exception use is proposed to be developed. (5) The proposed special exception use does not have a detrimental impact on surrounding properties based on: a. The number of persons anticipated to be using, residing, or working on the property as a result of the special exception use; b. The degree of noise, odor, visual, or other potential nuisance factors generated by the special exception use; and c. The effect on the amount and flow of traffic within the vicinity of the proposed special exception use. (emphasis added)

1. 24-hour Race Trac Gas Station and Market

The Senior residents of the adjacent mobile home park are generally sleeping during the night and are not in need of a beer or a pack of smokes at 2 a.m.. Therefore, the 24-hour Mart does not provide a real service for the nearby residents. What it will do, however, is increase noise, traffic, light pollution, and concerns about vagrancy and loitering. In fact, the Marathon USA gas station was robbed shortly after it opened.

Moreover, these issues cannot be abated by any prophylactic measures, because they go to the heart of the complex. If it is to operate 24-hours, then it will necessarily pollute the area with more noise, traffic, and light during the sleeping hours of nearby residents. As proof positive, on the west side of the Park is a Walmart complex that operates 24-hours. During the middle of the night, their trucks deliver product and the noise wakes up the Park’s residents near that shared boundary. We have had to make several requests to the Store Managers to reduce the noise, but our requests often go unanswered. Simply put, this is not the location for this use and operation desired by the Applicants, because it will have a detrimental effect on the neighborhood which cannot be avoided and which will be lasting. It will also negatively affect the value of the Senior residents’ home as well as the home values in the adjacent residential communities north of the proposed project.
Most importantly, Race Trac has not carried its burden to meet all criteria for the requested variance for a 24-hour, 7 days a week refueling station. As the Council is aware, in order to get a variance of this nature, the applicant has to meet all of the criteria. In its application for the variance, Race Trac provides absolutely no justification for at least two of the factors. This demonstrates a complete failure of the application for the 24/7 refueling variance and it should, therefore, be denied.

2. Tire Kingdom Service Center – 7 days a week

In the Applicant’s justification, Tire Kingdom admits that “there are other automobile service stations in the vicinity of this site location.” What it fails to point out is that another automobile service station is on the other side of the street less than a mile away. See attached Exhibit “3”. Without support, Tire Kingdom also asserts that the neighborhood would be well served by the installation of yet another automotive service facility at this site. This is simply not true. Traffic will increase in and out of that Center, there will be additional noise pollution from the drills and machinery used to service tires and automobiles. Furthermore, on its website, Tire Kingdom states that “[o]ur stores are open early and late -- and on Sunday.” So, much like the 24-hour Race Trac Complex, there will be no rest for the weary. For these reasons and those set forth above, the Service Station will also have a detrimental impact on the neighboring community.

Sincerely,

[Signature]

Cara Eisenberg, ESQ.
General Counsel for
Robben Properties Inc.
Commercial Planned Development
Master Plan SPR19-13

RaceTrac
Site Plan Approval SPR19-12
Special Exception PSSE19-08
Variances PSV19-22 (24-Hour) PSV19-23 (Sign Area) PSV-24 (Canopy Sign Area)

Tire Kingdom
Site Plan Approval SPR19-14
Special Exception PSSE19-09

Village of Palm Springs – P&Z Hearing
- 90,000 SF
- Health Department moved out in 2018
- Pursued Tenants to Lease the building
- Building Closed
- Extensive Vandalization
- Redevelopment was not the first option
Existing Condition – View from Mango
Existing Condition – Office Building
Existing Condition – West Buffer
Existing Condition – Oak Trees along 10th Avenue
Commercial Planned Development
Master Plan
SPR19-13

Overall Master Plan
Overall Master Plan – Commercial Planned Development
Master Plan – Primary Circulation & Buffers
Overall Master Plan
Overall Master Plan
• Commercial Planned Development

• Demolition of the Exiting Office Building

• Improvement of the Perimeter Landscape Buffer

• General Retail Uses Permitted

• NO Variance Proposed for the Master Plan

• Recommendation of Approval

Overall Master Plan
RaceTrac
Site Plan Approval
SPR19-12

Special Exception
PSSE19-08

Variances
PSV19-22 (24-Hour)
PSV19-23 (Sign Area)
PSV-24 (Canopy Sign Area)
Existing Condition – Main Access from 10th Avenue
Existing Condition – Access from Florida Mango
Site Ingress & Egress

Narrow the Driveway

Close Existing Egress

New Turn Lane

Right Out Only

10th Avenue

Florida Mango

RaceTrac

Tire Kingdom

5,682 SF

5,411 SF

CHASE 4,081 SF (EX.)
3. The proposed special exception use is compatible with the character and use (existing and future) of the surrounding properties in its function; hours of operation, type and amount of traffic to be generated; building location, mass, height and setback; and other relevant factors peculiar to the proposed special exception use and the surrounding property.

Special Exception Request Criteria #3
3. The proposed special exception use is compatible with the character and use (existing and future) of the surrounding properties in its function; hours of operation, type and amount of traffic to be generated; building location, mass, height and setback; and other relevant factors peculiar to the proposed special exception use and the surrounding property.

Hours of Operation
- 24 Hour Commercial Uses along the Corridor (Mobile / Walmart)

Type & Amount of Traffic
- Total of Decrease of Building SF
- Village of Palm Springs Traffic Consultant Approval
- PBC Traffic Concurrency

Building Location
- Consistent with the Character of the 10th Avenue Corridor

Massing & Height
- Reduction in the Scale and Massing from the existing condition
- 4-Story down to 1-Story

Setbacks
- Meeting or exceeding all required Setbacks

Special Exception Request Criteria #3
4. The establishment of the proposed special exception use in the identified location does not create a concentration or proliferation of the same or similar type of special exception use, which may be deemed detrimental to the development or redevelopment of the area in which the special exception use is proposed to be developed.
<table>
<thead>
<tr>
<th>Florida Gas Data (NACS)</th>
<th>Market Annual Demand</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 pump</td>
<td>318,369 gal/year</td>
</tr>
<tr>
<td>1 Driver</td>
<td>10.6 gal/week</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Current Market</th>
<th>Annual Supply</th>
<th>Qualitative Description</th>
<th>Annual Demand</th>
<th>Deficit</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Mile Separation</td>
<td>16,236,819</td>
<td>(# of pumps) x (gallons/year per pump)</td>
<td>29,985,280</td>
<td>(13,748,461)</td>
</tr>
<tr>
<td>10th Ave</td>
<td>43,500</td>
<td>YPD</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Florida Mango</td>
<td>10,900</td>
<td>YPD</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Annual Supply</th>
<th>Qualitative Description</th>
<th>Existing Average Deficit</th>
<th>Remaining Deficit w/ RaceTrac</th>
</tr>
</thead>
<tbody>
<tr>
<td>RaceTrac Contribution</td>
<td>3,183,690</td>
<td>(10 proposed pumps) x (gallons/year per pump)</td>
<td>(13,748,461)</td>
</tr>
</tbody>
</table>

NACS = National Association of Convenience Stores

VPD = vehicles per day

Gas Market Demand
5. The proposed special exception use does not have a detrimental impact on surrounding properties based on:

a. The number of persons anticipated to be using, residing, or working on the property as a result of the special exception use;

Special Exception Request Criteria #5 (A)
b. The degree of noise, odor, visual, or other potential nuisance factors generated by the special exception use;

Special Exception Request Criteria #5 (B)
c. The effect on the amount and flow of traffic within the vicinity of the proposed special exception use.
Variances
PSV19-23 (Sign Area)
PSV-24 (Canopy Sign Area)

RaceTrac Signage
Staff does not support the applicant’s request in its entirety. Staff does support the red, blue and white striping around the entire perimeter of the gas canopy including the logo sign over the main entrance and on the north side of the canopy. Staff does not support the graphic cabinet sign on the southeast corner of the building finding this sign unattractive and unnecessary and does not contribute to the architecture of the building. It is valid to note that this exact graphic sign was denied by Village’s Council under Resolution No. 2012-75 for the RaceTrac gas station located on the southwest corner of S Congress Avenue and Lake Worth Road.
Staff does not support the applicant’s request in its entirety. Staff does support the red, blue and white stripping around the entire perimeter of the gas canopy including the logo sign over the main entrance and on the north side of the canopy. Staff does not support the graphic cabinet sign on the southeast corner of the building finding this sign unattractive and unnecessary and does not contribute to the architecture of the building. It is valid to note that this exact graphic sign was denied by Village’s Council under Resolution No. 2012-75 for the RaceTrac gas station located on the southwest corner of S Congress Avenue and Lake Worth Road.

<table>
<thead>
<tr>
<th>Direction</th>
<th>Permitted</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>0 SF</td>
<td>Canopy ±636 SF (stripping only)</td>
</tr>
<tr>
<td>South</td>
<td>304 SF (including canopy area)</td>
<td>Logo on the building (sign A) 40 SF</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Swirl on the building (sign E) 42 SF</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Fuel canopy ±636 SF (stripping and logo)</td>
</tr>
<tr>
<td>East</td>
<td>77 SF (including canopy area)</td>
<td>Fuel canopy 216 SF (stripping only)</td>
</tr>
<tr>
<td>West</td>
<td>0 SF</td>
<td>Fuel canopy 216 SF (stripping only)</td>
</tr>
</tbody>
</table>

Variances

PSV19-23 (Sign Area)
PSV-24 (Canopy Sign Area)
Literal interpretation of this article certainly would deprive the applicant of rights commonly enjoyed by similar facilities. The most recent examples are the RaceTrac facility on the SW corner of Lake Worth Road and Congress as well as the Wa-Wa located on the NE corner of the same intersection. Additionally, the closest three facilities to the proposed site include a Circle K, Murphy Oil and Mobile gas stations which all operate 24-hours a day. Limiting this site would clearly deprive the applicant of similar rights enjoyed by like uses.

*Staff does not object to the applicant's request.*

Variance
PSV19-22 (24-Hour)
Tire Kingdom
Site Plan Approval
SPR19-14

Special Exception
PSSE19-09
Auto Repair Market Demand
3. The proposed special exception use is compatible with the character and use (existing and future) of the surrounding properties in its function; hours of operation, type and amount of traffic to be generated; building location, mass, height and setback; and other relevant factors peculiar to the proposed special exception use and the surrounding property.
3. The proposed special exception use is compatible with the character and use (existing and future) of the surrounding properties in its function; hours of operation, type and amount of traffic to be generated; building location, mass, height and setback; and other relevant factors peculiar to the proposed special exception use and the surrounding property.

Hours of Operation
- Standard Code Allowed Hours of Operation

Type & Amount of Traffic
- Total of Decrease of Building SF
- Village of Palm Springs Traffic Consultant Approval
- PBC Traffic Concurrency

Building Location
- Consistent with the Character of the 10th Avenue Corridor

Massing & Height
- Reduction in the Scale and Massing from the existing condition
- 4-Story down to 1-Story

Setbacks
- Meeting or exceeding all required Setbacks

Special Exception Request Criteria #3
4. The establishment of the proposed special exception use in the identified location does not create a concentration or proliferation of the same or similar type of special exception use, which may be deemed detrimental to the development or redevelopment of the area in which the special exception use is proposed to be developed.
b. The degree of noise, odor, visual, or other potential nuisance factors generated by the special exception use;

Special Exception Request Criteria #5 (B)
Aoustical Control Standards
ACOUSTICAL STANDARDS REGARDING BACKGROUND NOISE, REVERBERATION, AND SOUND ISOLATION FOR THE PROPOSED TK STORE IN PALM BAY FLORIDA

b. The degree of noise, odor, visual, or other potential nuisance factors generated by the special exception use;

SOUND CONTROL
Tire Kingdom has established a uniform Acoustical Performance Standard for the construction of retail, warehouse and regional distribution centers across the country.

Our engineering team has developed site and building designs that utilize state of the art acoustical technology that incorporates a wide range of soundproofing design elements. Our goal is to have buildings that are designed to reduce the transfer of noise while ensuring that NPB Seneca Store at the Applegate Shopping Center will incorporate a wide range of innovative products block the transmission of sound through walls, floors, and ceilings by creating an acoustical barrier that would include a combination of composite gypsum board, insulation, and subflooring products that would include the following:

- layered XP sheetrock between the service and customer area
- insulating panels with RSIC special acoustical metal sound strips
- Special coatings, barriers, pipe lagging, and sound isolation clips
- Sound deadening floor underlay utilizing acoustical underseal
- Green glue damping compound at existing wall and ceiling connections
- Ultra Touch R-13 denim batt Insulation at demising and perimeter walls.

Special Exception Request Criteria #5 (B)
c. The effect on the amount and flow of traffic within the vicinity of the proposed special exception use.

Special Exception Request Criteria #5 (C)
Thank You – Questions?