



**PLANNING AND ZONING ADVISORY BOARD MEETING MINUTES
COUNCIL CHAMBERS
226 CYPRESS LANE VILLAGE OF PALM SPRINGS, FLORIDA
FEBRUARY 8, 2022, AT 6:30 PM**

CALL TO ORDER

The meeting was called to order by Chairman Johnnie Tieche at 6:35 PM.

ROLL CALL

Chairman Johnnie Tieche
Vice Chairman Richard Hughes
Ralph Lashells
Peter Braun
Kim Gehrman
Larry Saingilus, Sr. Alternate
Vacant, Jr. Alternate

PZ&B Director, Iramis Cabrera
PZ&B Planner, Rogelio Gonzalez
Village Attorney Susan Garrett
Deputy Village Clerk Jane R. Worth

ADDITIONS, DELETIONS OR MODIFICATIONS TO THE AGENDA

APPROVAL OF MINUTES

ORDER OF BUSINESS

REGULAR AGENDA

PUBLIC HEARINGS

NOTE: CLERK TO ASCERTAIN IF THERE ARE ANY EX-PARTE COMMUNICATIONS TO BE DISCLOSED DURING QUASI-JUDICIAL DISCUSSIONS. CLERK TO SWEAR IN WITNESSES FOR TESTIMONY

There were no ex-parte communications from the Board Members on either agenda item.

1. Ordinance No. 2022-02 - Land Use Amendment (Small-Scale) - Belmont - 1591 Kirk Road (Quasi-Judicial Hearing)
Staff: Iramis Cabrera, PZB Director

SUMMARY: Mr. Jerrod Purser, agent for D.R. Horton, Inc. ("Applicant"), is requesting a small-scale land use plan amendment on a 5.07-acre property to facilitate a multi-family (townhome) development project. The proposed small-scale land-use change would be from the existing Palm Springs designation to the new Palm Springs designation. The property is less than 50 acres in size (5.07 acres) and planned for urban (residential) use:

Existing Village Future Land Use	Proposed Village Future Land Use
Other Public Facilities	Medium Density Residential (up to 10 du/ac)

The applicant is requesting that the property be designated with the Village's Medium-Density Residential future land use category (10 du/ac), which would allow up to a maximum intensity of 50 residential dwelling units. The property was annexed into the Village of Palm Springs in 2006 and assigned Village Residential Multiple-Family and Other Public Facilities future land use and zoning designations, respectively.

Note: The subject property is bound to the west and the north by Palm Beach County residential land use.

The applicant is concurrently requesting site plan approval (SPR22-03) and two (2) waivers for residential planned development (RPD) to construct 50 two-story fee-simple townhomes within nine buildings. The proposed community would have access via Kirk Road, and amenities are expected to include playground equipment, picnic tables under a shade structure, and a trail path. The applicant is requesting two (2) waivers for the proposed RPD site plan:

1. Relief from Sec.34-1328 to allow a 20' wide drive aisle rather than the 26' wide required
2. Relief from Sec.34-766(1) to allow the construction of 50 residential dwelling units within 5.07 acres rather than 10.59 acres.

The proposed site plan with waivers is presented (within this item) for informational purposes only (no action required at this time). If the proposed small-scale map amendment is approved on the 2nd and final reading, the proposed site plan will be considered by the Village Council under a separate Resolution during the April 14th meeting.

Staff has identified the main area of concern related to the project with the present traffic conditions at the northern section of the Kirk Road and Forest Hill Boulevard intersection, primarily because of peak traffic caused by the adjacent middle school. The main issue is with increased vehicular and pedestrian traffic during peak morning and afternoon school traffic. Palm Springs Middle School has an enrollment of 1,636 students and the school session is from 9:30 a.m. to 4:05

p.m. The peak traffic times for this area range from 8:00-9:00 a.m. and 3:00-4:30 p.m. Kirk Road has hundreds of cars queued up for student drop off and pick up during these times. Hundreds of students cross the adjacent roads during the beginning of school and dismissal (officers estimate that about 400 students exit the school during dismissal). Many of them cross the street using the northern crosswalk to go to Dollar General, Cumberland Farms, and Woodlands Plaza. During peak dismissal, the school staff stops vehicular traffic at the north crosswalk crossing for up to seven minutes and crossing guards at the corner of Kirk and Forest Hill stop vehicular traffic for multiple twenty-second intervals. Additionally, Palm Beach County added a second pedestrian crossing on Kirk Road north of the main intersection on Kirk and Forest Hill to alleviate crowding at the corner crossings. The end of the new crosswalk is too close to the driveway access to Dollar General. As a result, students crossing the street walk directly into traffic turning left into Kirk, since the lack of distance does not allow stacking. We believe the county could have averted this issue if the crosswalk were offset a few feet further north away from the driveway access.

Note: The Village does not typically place conditions of approval on future land use map changes. The legislative decision as to the appropriateness of the land use, irrespective of potential development plans, is generally made with consideration to compatibility, impact on services, and need for the land use to fulfill village redevelopment and growth objectives.

The proposed request was submitted through the PBC Intergovernmental Plan Amendment Review Committee (IPARC) for intergovernmental review and no comments were received.

Note: IPARC is designated to provide coordination of proposed plan amendments, cooperation between affected local governments and service providers and provides opportunities to resolve potential disputes only within the plan amendment process.

The Local Planning Agency (LPA) will consider this item during their March 10, 2022, meeting.

Director Cabrera informed the Board that the applicant was requesting a small-scale land use plan amendment on the property located at 1591 Kirk Road 5.07 acre. The applicant is requesting that the property be designated as the Village's Medium-Density Residential, which would allow up to 10 units per acre. Director Cabrera stated originally when the applicant submitted the project, they were promoting high density. The applicant has worked with Staff since April of 2021 and Palm Beach County has been included in the discussions. The Staff had concerns regarding traffic being across the street from one of the biggest schools in Palm Beach County. There is a lot of pedestrian traffic also when crossing the street.

Director Cabrera said Officer Frank Castro was present at the meeting and available for any questions the Board had, as there were many concerns about the traffic and children that were crossing Kirk Road and Forest Hill Boulevard.

Mr. Jared Purser of WGI was present and gave the Board a brief power-point presentation. Mr. Purser stated the applicant was proposing two (2) waivers for the Residential Planned Development (RPD). The first is to allow the construction of 50 residential dwelling units within 5.07 acres rather than the 10.59 acres. The second waiver was to allow a 20' wide drive aisle rather than the 26' wide required. Mr. Purser informed the Board of the surrounding area properties and what was already constructed. Mr. Purser stated that currently, the Lutheran Holy Cross Church is on the property. He asked the Board if they had any questions.

Chairman Tieche asked if the Board had any comments regarding the applicant's submittal. Mr. Saingilus stated a few meetings prior, there was a development where there were concerns about too many townhomes in a smaller density lot, and here is the same situation. Director Cabrera confirmed that was correct, the development's name was Prince. Mr. Saingilus asked if during the rush hour times, especially drop off and the evening for pick up, were there any visible signs that the residents could only exit to the right. Were there any traffic studies done? Mr. Purser stated residents could turn right from the entrance of the development, which was discussed with the staff, and he also answered yes to the traffic study, and it was approved by Staff and Palm Beach County.

Attorney Garrett reminded the Board there were two actions for the public hearing. The first action is to make a recommendation to the Village Council on the legislative decision that the Council needs to make for a Land Use Amendment, and the second agenda item is to make a recommendation of the proposed site plan that recommends the two waivers.

Ms. Bonnie Miskal informed the Board that the big item the Board needed to focus on was the land use change and the compatibility with the other developments in the area. Ms. Miskal also described the areas around the proposed development regarding the density. There was a discussion about the roadway and driveways inside the development. Mr. Purser explained the size of the road is 20 feet, and pavers were also used to provide color and add to the aesthetics of the road. Mr. Mandigo asked if 20 feet was acceptable for the width of the road. Ms. Miskal stated there would be a total of 28 feet including the pavers, and the cars could use them, if necessary, when driving on the road. They are part of the road, and they are installed to not only add more aesthetics but to break up using plain asphalt.

Mr. Hughes asked Mr. Purser if they were also using the garage as a parking space. Mr. Hughes also asked who would be maintaining the enforcement of homeowners using the garages as storage or parking their cars in the garage as they are supposed to. Director Cabrera stated that would have to be part of the

HOA documents and Code Enforcement would also be involved if necessary. Mr. Hughes asked how Code Enforcement would be used to check all the garages. Director Cabrera stated if there were complaints, it is the right of Code Enforcement to ask them to open their garage. Ms. Miskal stated typically the HOA would get the complaint first, so they would handle it first.

Chairman Johnnie Tieche asked for clarification on the density request. Director Cabrera stated the waiver they were asking for was a medium density to put fifty (50) units on the property. Mr. Tieche asked if they went low density then they would only get thirty (35) units on the property correct. Director Cabrera stated that was correct.

The Board asked Officer Frank Castro regarding the traffic and the school. Officer Castro stated it is the largest traffic area when school is beginning and ending. Even with Belmont not being there, we do promote development on abandoned properties. Officer Castro stated that currently, the property where the development is proposed, is a staging ground for parents to pick up their children. If the property is developed, the parents will be forced to wait in line. Officer Castro said what will happen will be that the parents will go into the lot and potential residents that live there will not be happy and they will lose their parking spaces within the development. It would be best for a pedestrian crosswalk to the north. There must be a better way that it does not cause traffic issues at the intersection. There was not a pedestrian light installed there, which might help some of the issues possibly. Palm Beach County put the crosswalk further north from the intersection, and the kids don't want to walk further north to use the crosswalk and that is where the problem comes in. Officer Castro also stated they are called daily by Cumberland Farms and Dollar General because parents park there and their customers can't get into the stores.

Mr. Mandigo stated the units were very nice, but there are too many units on the property and, because of the location of the homes, across from the school and near all that traffic, for that reason, I would not buy a home there.

Deputy Clerk Worth swore in Reverend Bresnan, Pastor of the Lutheran Church, Holy Cross, since 1982. Reverend Bresnan stated his office hours are from 9:30 in the morning until 3:00 to avoid the peak hours. Parishioners only come to church on Sundays, so they are not hindered by the traffic that is created by the school. The police, especially Officer Castro, have been exceptional with our requests to help with the children. But the church did not cause the problem.

The Board agreed that the density was the issue, possibly reducing the number of units on the property. Ms. Miskal stated they were zoned with medium; they are trying to make land use and zoning compatible. Ms. Miskal continued to discuss the density and the traffic issue again. There was also a discussion on the crosswalk. Officer Castro stated the Palm Beach County School Board took it upon themselves to have the crosswalk installed. Palm Beach County was not

aware of the crosswalk.

It was asked by the Board how many units would be reduced to forfeit the waiver; Director Cabrera stated it would be 21 units. They would not need the waiver if they reduced the number of units, and they would be allowed 29 units.

The Board asked the Village Attorney if they could make a recommendation to table the item until after their meeting Workshop Thursday, February 10, 2022, with the Village Council, this is exactly the type of discussions that will be taking place with the Council as to their vision and the Boards vision of future development.

Deputy Clerk Worth swore in Mr. Mark Cotler, a part-owner of the property, stating originally a senior retirement facility was to be developed there, which did not work economically. Speaking on behalf of the owner, if this does not move forward, it would be better off to go forward as a church that would be non-profit and would not be paying taxes. Mr. Cotler stated the vibrancy and the tax base that would be added to the Village is something that would be nice to look forward to. The Board asked Mr. Cotler what would each unit be sold for? Mr. Cotler answered an estimate would be they would sell for over \$300,000 and less than \$400,000.

Mr. Peter Braun made a motion to postpone it to the next meeting.

Attorney Garrett stated the Land Use Ordinance would be deferred for 2 readings. The Site Plan approval and the waivers are by resolution, which possibly would make it to the meeting with the second reading for the Land Use Ordinance. The Board could make a recommendation on the Ordinance, which would have to go to two (2) Council meetings for their vote.

Chairman Tieche asked the public or the Board for any additional comments. Hearing none, a motion to recommend approval of Ordinance No. 2022-02 was made by Mr. Mandigo and seconded by Mr. Braun. Chairman Tieche called for a roll call. The motion failed 2-3. Chairman Tieche, Mr. Hughes, and Mr. Lashells voted no.

Village Attorney Garrett stated another motion was needed for a denial of Ordinance No. 2022-02 if that is the way the Board was going to vote.

Chairman Tieche asked for a motion of Ordinance No. 2022-02. A motion to deny Ordinance No. 2022-02 was made by Mr. Lashells and seconded by Mr. Hughes. Chairman Tieche called for a roll call. The motion passed for denial 3-2. Chairman Tieche, Mr. Hughes, and Mr. Lashells voted yes, for denial. Mr. Mandigo and Mr. Braun voted no.

FISCAL IMPACT:

The property land use amendment is not expected to provide a direct fiscal impact on the Village; however, it would facilitate development that will increase

the Village's property evaluation. Additionally, this project would require various Village services that will result in increased expenditures on the Village.

2. Resolution No. 2022-08: Residential Planned Development Site Plan (SPR22-05) and Two Waivers - Belmont - 1591 Kirk Road (Quasi-Judicial Hearing)
Staff: Iramis Cabrera, PZB Director

Mr. Jerrod Purser, agent for D.R. Horton, Inc. ("Applicant"), is requesting a site development plan approval (SPR22-03) for a residential planned development project on the property located at 1591 Kirk Road. The applicant is proposing to develop the 5.07-acre site with the construction of 50 two-story fee-simple townhomes. Each townhome will be a three-bedroom home with a one-car garage and a driveway with space for two cars.

The buildings will be configured with seven (7) 6-townhome structures and two (2) 4-townhome structures, for a total of nine (9) buildings. The community will have one access driveway via the existing Kirk Road right-of-way on the northern segment of the property. A second access is being provided for emergency vehicles only to the south. Amenities include a tot lot, a shade structure with picnic tables, and recreational open space.

Note: The Village Code - Section 34-1063(c) Waivers - provides that waivers may be granted by the Village Council following an advisory recommendation by the Planning & Zoning Board. All requests for waivers shall be identified on the site plan and shall accompany an application for site plan approval of planned development.

The applicant is requesting two (2) waivers for the proposed RPD site plan:

1. Relief from Sec. 34-1328 to allow a 20' wide drive aisle rather than the 26' wide that is required.
2. Relief from Sec. 34-766(1) to allow the construction of 50 residential dwelling units within 5.07 acres rather than 10.59 acres.

Note: Based on the property standards within the Residential Multi-Family (RM) zoning district (specifically the minimum lot area requirements) outlined in Village Code section 34-766(1), this proposed 5.07-acre parcel could only support a maximum of 36 dwelling units rather than the proposed fifty (50) by the developer. The applicant is seeking two (2) waivers to obtain approval as a Residential Planned Development (RPD) and therefore the ability to maximize density on the property with fifty (50) townhomes.

The applicant is requesting a Future Land Use Amendment which is the subject of a separate agenda item. Approval of the Residential Planned Development site plan is dependent on the approval of the Land Use Amendment.

Staff has identified a main area of concern related to the project with the present traffic conditions at the northern section of the Kirk Road and Forest Hill Boulevard intersection, primarily because of peak traffic caused by the adjacent middle school. The main issue is with increased vehicular and pedestrian traffic during peak morning and afternoon school traffic. Palm Springs Middle School has an enrollment of 1,636 students and the school session is from 9:30 a.m. to 4:05 p.m. The peak traffic times for this area range from 8:00-9:00 a.m. and 3:00-4:30 p.m. Kirk Road has hundreds of cars queued up for student drop off and pick up during these times. Hundreds of students cross the adjacent roads during the beginning of school and dismissal, (officers estimate that about 400 students exit the school during dismissal). Many of them cross the street using the northern crosswalk to go to Dollar General, Cumberland Farms, and Woodlands Plaza. During peak dismissal, the school staff stops vehicular traffic at the north crosswalk crossing for up to seven minutes and crossing guards at the corner of Kirk and Forest Hill stop vehicular traffic for multiple twenty-second intervals. Additionally, Palm Beach County added a second pedestrian crossing on Kirk Road north of the main intersection on Kirk and Forest Hill to alleviate crowding at the corner crossings. The end of the new crosswalk is too close to the driveway to access Dollar General. As a result, students crossing the street walk directly into traffic turning left onto Kirk, since the lack of distance does not allow stacking.

The Planning, Zoning & Building Staff does not object to the Residential Planned Development Site Plan with two (2) waivers and recommends conditional approval of the proposed development.

It was agreed on the record by the applicant, they submitted a presentation on the first item and that would be made as a presentation for Item #2.

Attorney Garrett stated the Board voted to deny the land use, which is a recommendation to go before the Village Council. The Board is now able to vote on Resolution No. 2022-08. Mr. Braun made a motion to approve the Site Plan and waivers and a second was made for approval by Mr. Mandigo with the signage included by Mr. Saingilus, "no trespassing sign". Chairman Tieche called for a roll call. Chairman Tieche, Vice Chairman Hughes, and Mr. Lashells voted no, for denial. Mr. Mandigo and Mr. Braun voted yes. The motion passed for denial 3-2.

Attorney Garrett stated the Planning and Zoning Board recommended denial of Resolution No. 2022-08.

The Planning and Zoning Board recommended denial of the project.

FISCAL IMPACT:

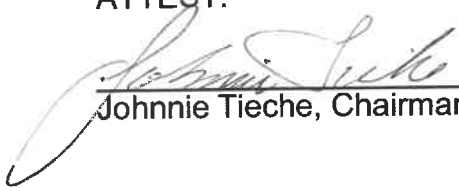
The proposed development of the property is expected to increase the Village's assessed property valuation.

OTHER BUSINESS

ADJOURNMENT

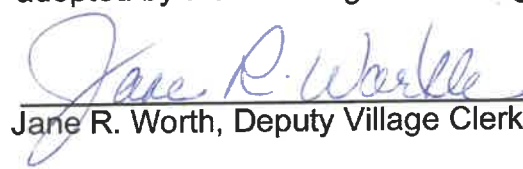
Hearing no further business, Chairman Tieche adjourned the meeting at 8:00 PM.

ATTEST:



Johnnie Tieche, Chairman

The undersigned is the Deputy Village Clerk of Palm Springs, Florida, and the information provided herein is the Minutes of the Planning and Zoning Advisory Board Meeting held on **February 8, 2022**. Which minutes were formally approved and adopted by the Planning and Zoning Advisory Board on **July 12, 2022**.



Jane R. Worth, Deputy Village Clerk



NEXT REGULAR MEETING:

TUESDAY, MARCH 8, 2022, 6:30 PM

If a person decides to appeal any decision made by this Council for any matter considered at this meeting, he will need a record of the proceeding, and 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 accommodation to attend or participate in this meeting should contact the Village Clerk at (561) 584-3200 at least 3 business days before the meeting to request such assistance.