



AGENDA
PLANNING AND ZONING ADVISORY BOARD MEETING
VILLAGE HALL COUNCIL CHAMBERS
226 CYPRESS LANE
PALM SPRINGS, FL 33461
FEBRUARY 25, 2020
6:30 PM

1. CALL TO ORDER

The meeting held in the Council Chambers at Village Hall was called to order by Chairman Johnnie Tiech at 6:30 PM

2. ROLL CALL

Members present: Chairman - Johnnie Tieche, Ralph Lashells, James Mandigo, Peter Braun, Kimberly Gehrman and Larry Saingilus

Absent: Richard Hughes

Staff: Attorney Brian Shutt, Director of Planning, Zoning and Building, Kimberly Glas-Castro, Planner of Planning, Zoning and Building, Iramis Cabrera and Deputy Village Clerk Jane R. Worth

3. PLEDGE OF ALLEGIANCE

Chairman Tieche led the Pledge of Allegiance

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

5. MINUTES

6. PUBLIC HEARING 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

Deputy Clerk ascertained there were no ex parte communications. The Clerk swore in the following: Attorney Brian Shutt, Director of Planning, Zoning and Building, Kimberly Glas-Castro, Planner of Planning, Zoning and Building, Iramis Cabrera, Bonnie Miskel, Kyle Kahant, Gary Simmons, Timothy Coffield, Audrey Woodriff, Tammy Labota, Linda Hollins, Bibi Fague, Sharon (SP), Mathew Adler, Jeff Spear, Frank Castro

- 6.1 Resolution No. 2020-07 - Preliminary Plat - 10th Avenue Replat - 2601 10th Avenue North
[Res No. 2020-07 - Preliminary Plat Replat - 2601 10th Avenue North.pdf](#)
[Boundary Survey](#)
[Colored Master Plan](#)
[Letter of Compliance Florida Statutes - Engenuity Group](#)
[Property Information Report](#)
[Aerial and Location Maps](#)

Approve

Planner Cabrera informed the Board the applicant has filed the preliminary plat to re-plot the former Chase Professional Center property, located at the northwest corner of 10th Avenue North and Florida Mango Road and recently approved for a RaceTrac gas station and Tire Kingdom vehicle repair facility, into three separate parcels that can be conveyed to the future purchasers as a legal lots of record. The Village Council approved the commercial planned development master plan and the two site plans on January 9, 2020, to facilitate redevelopment of the property.

From a planning and zoning perspective, the property is a single development project with a unified master site plan.

The Village’s Surveyor, Engenuity Group, has reviewed the proposed plat and has determined that it follows Chapter 177, F.S.- Platting Regulations.

If approved, a final plat will be presented to the Village Council for consideration at a later date. The recording of the final plat is required prior to issuance of any Certificate of Occupancy on any of the property.

Motion: Peter Braun	Second: Ralph Lashells	Vote: Motion Approve: 5 - 0
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- 6.2 Ordinance No. 2020-06 - Village Code Amendment - Chapter 34 - Supplemental Regulations - Vehicle-Oriented Uses
[Proposed Ordinance No. 2020-06 - Supplemental Regulations for Vehicle Oriented Uses](#)
[Map of Existing Gas Stations and Car Washes](#)
[Gas Stations 250 Foot Buffer Gas Stations 1000 Foot Buffer](#)

Approve

Director Glas-Castro informed the Board they might recognize this as it was work shopped with the Council several times at their request, and the Board had also recommended approval. The proposed LDR amendments are intended to contribute to providing a strong, vibrant community that is not impacted by an over-saturation of convenience stores, gas stations, vehicle repair facilities (defined as automotive repair establishments in the Code) and car wash uses and to provide minimum performance standards to curtail high traffic generation, noise, air pollution, crime, competition with smaller local businesses and visual impact on community character.

Currently, gas stations, automotive repair establishments and car washes are permissible within the Commercial General (CG) district with special exception approval, but with no requirements for placement, size, distance separation and/or setbacks from special uses such as residences, schools or playgrounds.

Director Glas-Castro stated the proposed Ordinance 2020-06, if reconsidered and approved, would provide the following:

1. 1000' distance separation between gas stations, convenience stores, automotive repair facilities and car wash uses
2. 250' distance separation between these vehicle-oriented uses and parks, schools, and other institutional uses
3. Performance standards (that have become typical conditions of approval recommended by Village staff): free air stations, screening wall within landscape buffer adjacent to residential uses, use of recycled water in car washes, service bay doors not facing the public street

The proposed regulations do not affect existing vehicle-oriented uses with regards to location, setbacks, perimeter wall, and other specific details contained on the existing uses' site plan. However, discontinuation of any car wash, vehicle repair facility, convenience store or gas station for a 12-month period, if approved, would require conformance with the new regulations.

Mr. Lashells stated he would like a larger separation, that way there would not be two (2) gas stations right next to each other.

Kyle Kahant - 3227 Lillian Road - asked exactly what it was the changes were. Director Glas-Castro stated this is an ordinance the Village is considering that would place additional zoning regulations on vehicle-oriented uses. Director Glas-Castro stated with a population of 23,500, the residents have enough gas stations and car washes. Mr. Kahan thanked the Director for the explanation.

Motion: James Mandigo	Second: Kim Gehrman	Vote: Motion Passed: 5 - 0
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6.3 Ordinance No. 2020-04 - Land Use Plan Amendment (Large Scale) - 2085 South Congress Avenue and 3243 Lillian Road (Proposed Palm Springs Residences Residential Planned Development)

[Ordinance No. 2020-04 - 2085 South Congress Avenue and 3243 Lillian Road](#)

[Exhibit A - Legal Description and Survey](#)

[PZB Staff Report \(combined for both applications\)](#)

[Applicant's Future Land Use Map Amendment Analysis and Justification](#)

[Police Chief Comments on Proposed Palm Springs Residences](#)

[Proposed Turn Lane Improvements - Forest Hill Boulevard and Congress Avenue Intersection](#)

[School Capacity Availability Determination](#)

[Aerial, Location and Future Land Use Maps](#)

[Chapter 163.3177 F.S. - Required and Optional Elements of Comprehensive Plan; Studies and Surveys \(SEE PAGE 3-4\)](#)

Deny

Director Glas-Castro stated this public hearing was continued from the regular P&Z Board meeting of February 11, 2020 at the Applicant's request.

[Note: This agenda item had been originally scheduled for consideration at a special Planning & Zoning Board meeting on January 28, 2020, at the Applicant's request. On January 27, 2020, the Applicant requested postponement until the regular February 11, 2020 P&Z Board meeting.]

Ms. Bonnie Miskel, Agent for Waverley SP 2, LLC ("Applicant") is requesting a land use plan amendment to change the future land use designation of the 18.387 gross acre property located at 3085 S. Congress Avenue and 3243 Lillian Road (the former YMCA property) to facilitate a multi-family development project.

The property is more than 10 acres in size (18.387 gross acres) and is currently approved for commercial recreation purposes and is planned for urban (residential) use:

Existing Village	Proposed Village	Existing Zoning	Proposed Zoning
Future Land Use	Future Land Use		
Other Public Facilities and Low Density Residential (up to 5.8 du/ac)	High Density Residential (up to 19 du/ac)	Residential Multi-Family (RM)	Residential Multi-Family (RM) [no change]

The subject property is bound to the north and west by lands with Medium Density Land Use, to the south with Low Density Residential Land Use and to the east with Commercial Land Use. Note: While the Lakeside Village condominium, to the west, is designated with the Village's Medium Density Residential land use category (10 dwelling units per acre), the actual density is 18.74 dwelling units per acre.

Note: The property is proposed for a residential planned development with waivers, which is a separate agenda consideration. Consideration of the proposed site plan may be desirable to assist in this legislative decision.

The Applicant has provided an evaluation of the additional impacts on public services and facilities created by the requested land use category. Staff would like to highlight four (4) areas of concern:

- The Congress Avenue/Forest Hill Boulevard intersection is currently operating at Level of Service F during both peak hours, and the northbound left (west) turn queue exceeds the length of the turn lane. While the maximum intensity of the land use category generates a reduction in traffic impacts, the proposed residential development generates an additional 902 daily trips over the existing YMCA. The traffic analysis shows that the project's traffic distribution will add three (3) cars during the PM peak hour to the intersection's northbound left queue. The Applicant is proposing to mitigate these impacts by extending the length of the left turn lane by three car lengths (approximately 95 linear feet) with the elimination of the existing landscaped median.

- The Congress Avenue/Project Driveway intersection does not meet the adopted level of service (LOS) D required by the adopted comprehensive plan. The Village's traffic consultant has recommended a reconfiguration of the project's entry drive, adding a raised median to separate two-way traffic and channel right-turners. FDOT has issued a Pre-Application Letter providing for redesign of the existing median opening to prohibit left turns out of the proposed residential project.
- John I. Leonard High School is currently over capacity by 622 students. The proposed project will generate an additional 15 high school students. The School District recommends a monetary contribution of \$191,805 to address the school capacity deficiency.
- Village police services will be significantly impacted by the rental community and addition of 600-1,000 residents, per the Police Chief, and necessitate the hiring of 1-2 additional officers. The estimated \$45,866.40 law enforcement impact fee contribution (a one-time payment for capital costs) will not sufficiently mitigate the demand on police services. (A new officer and associated equipment costs about \$100,000.)

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, should be made in consideration of compatibility, impact on services and need for the land use to fulfill Village redevelopment and growth objectives.

The proposed land use plan amendment was submitted through the PBC Intergovernmental Plan Amendment Review Committee (IPARC) and no comments were received.

As a large-scale amendment, State and Regional agency review will be required prior to adoption.

Director Glas-Castro stated Officer Frank Castro was available for any questions for the impact this will also have on the community. Director Glas-Castro gave a description of the apartment complex that was being proposed, and the amenities to be presented with this development. She also informed the Board, Staff has met with FDOT due to the driveway across from the property. The concern is the illegal maneuvers from drivers. The meeting was regarding channeling, something similar to the requirement with the McDonald's on Forest Hill Boulevard and the Race Trac on 10th Avenue. There are fifty-three (53) conditions of approval.

Ms. Bonnie Miskel, Agent for Waverley SP 2, LLC ("Applicant") informed the Board there was a Future Land Amendment, and a Residential Planned Development Site Plan and two (2) waivers, and sign variance, of which would be presented to the Village Council. Ms. Miskel gave the Board a presentation on how this area fits into the description of a CRA, especially on a financial aspect. Ms. Miskel continued by comparing different municipalities, Boynton Beach, Delray Beach and Boca Raton, that have CRA areas, and how the monies that are generated from developments that are built and help the infrastructure of the CRA's. Ms. Miskel went over the Florida Statutes in laymen terms and stated with approval of this development, it will fulfill the CRA objectives. Ms. Miskel also discussed the Traffic Concurrency, and stated by law, there would be a 7,356

reduction the trips. The Village relies on the Palm Beach County Traffic division and it is adopted in the Village Code. She stated with the design of the exit onto Congress Avenue, it is designed to be right in, right out. Ms. Miskel did reiterate that this was how the law looked a traffic concurrency, and they looked at the AM and PM numbers, so she felt that was a positive.

Ms. Miskel went over the improvement items that the proposal would be generating. They would be modifying the existing north bound turn lane to improve it. The monies of \$191,805.00 for the capacity with the School Board, will be paid in full. The Police Department has stated with the increase of the population to the Village, that would warrant two (2) additional police officers. She said this was a gated community. Ms. Miskel had figures from Emerald Lakes, Portifino, Coronado Springs (as an example) which would show that there would be an increase of .45 a day in police calls. Her client has agreed to extra security cameras, and background checks on all applicants. There may additional security, provisions and measures the applicant may have to take.

Ms. Miskel mentioned the 21st Century complex with all the bells and whistles that is first class. She described the project in depth regarding the buildings, the bedrooms/bathrooms, the dollar amount that it would cost to rent, the amenities such as walking paths, and the parking spaces that have been provided, also compared the requests from the Land Development Code and how the applicant has fulfilled them. Ms. Miskel stated this was probably the most amenity intense rental community. She stated with the exception of the parking, but she did mention that Lift and Uber which is extremely popular which would be cutting down on the vehicleownership.

Kyle Kahant - 3227 Lillian Road - what was the wall construction, and would it be concrete or PVC? Director Glas-Castro stated it would be concrete and six (6) ft. tall. Mr. Kahant stated that would not be tall enough. Also the road leading to Lillian Road would that would be a locked and gated access? Director Glas-Castro stated it would be a locked gate with a knox box. He wanted to know the prices to rent a unit. Will the wall be on their properties? Director Glas-Castro stated it would be on the property line. He wanted to know about lighting and cameras. Mr. Kahant said that as far as the traffic, they need to drive at 5 PM and 8 AM to 9 AM in the morning, their numbers are not actually what is going on.

Gary Simmons - 3169 Lillian Road - the wall height is not good enough. Palm Springs needs to consider this very dearly. Progress happens, but 365 units that is 700 more people going to Publix. People are cutting through on Lillian Road from G-Star, so there will be more cutting through. He also mentioned they need speed bumps down Lillian Road. He said he was not for the development.

Timothy Coffield - CEO Of YMCA - He sent a letter expressing the feelings of the YMCA. They have been there for 40 years and had every intention to redevelop the land and partner with Palm Beach County. The County invited the YMCA to redevelop the land adjacent to their aquatics center on Lake Lidle. There were 10 - 12 developers that the YMCA listened to and he hoped the Village would work with this group.

Audrey Woodriff - 709 Lori Drive #107 - Board of Director of Lakeside Village. Her concern with the new development, when you make a turn, which would be a right, the main light on Lillian and Congress is not that far and they will be cutting through Lillian Road.

Tammy Williams Lobota - 3089 Lillian Road - she has lived in her home for 21 years. Not looking forward to having the high buildings behind her. The wall should be higher.

Heard there would be trees or shrubbery, that would be good. She felt there did not need to be more lights, she likes her privacy in her backyard. Extremely concerned about the traffic. Mailboxes are being taken out from the cars coming down Lillian. Concerned about the noise from hundreds of people living there.

Linda Hollins - 709 Lakeside Village - she wanted to know if anything was going to happen to the canal. Director Glas-Castro stated the canal on the west would be reconfigured, but it would still be there.

Bibi Fagu - 3125 Lillian Road - she has lived there for more than 25 years. Her concerns were the same everyone on Lillian has. There is a church down the street, and they have a large amount of parking there. She works out west and has to take the back roads to get to work, she can not get to Congress Avenue. With the easement, would they be taking care of that, would it be taken care of the same way my husband has taken care of it all these years. The dumpsters are right up against the neighbors backyards, there is going to be trash, where there is trash, there will be smell. Palm Springs is growing very fast and there are many concerns for this coming.

Sharon Williams - 3089 Lillian Road - nothing has been said about handicap parking. Director Glas-Castro stated it is mandatory, there are ADA requirements. Ms. Williams asked the architecture in order to eliminate the parking problems why not lift the buildings and have the parking underneath the apartments. Then there would be more open space. The smell of the automobiles are horrible. The houses that have established trees - if you take them down, that should be the last thing to be done, they will buffer the dust and the noise.

The Board asked the following questions:

1. How many other multi-family resident units have you built? In the last 5 -10 years how many have been sold? Would the security cameras be manned or just recorded? Are there any designated ADA units? Mr. Mathew Adler stated they have sold the two (2) communities that they owned in Key West. Mr. Jeff Spear stated they have built multi-family communities since 1976. He stated they developed Rosemont on Forest Hill Boulevard. They have not sold any multi-family units. Larry Saingilus asked if the security cameras would be recorded or manned. Mr. Adler stated they would not be manned 24/7, only when the management was on site, during business hours, but they would be recorded, and staff would be onsite. They must follow the Federal Fair Housing requirements.

2. How many handicapped parking are there? How will the monies be paid to the School Board? How many police calls are received from Lakeside Village, which would have the same density as what the applicant is proposing. Ms. Miskel stated the requirement is 2% and that is what the applicant was providing. The requirement to pay the School Board would be before the first permit is issued. Ms. Miskel stated she did not have any figures regarding Lakeside as the numbers were pulled on the calls for rentals only. She did say she could get them and have them emailed.

Ralph Lashells stated this was a two (2) part request on the agenda. In his opinion, it was a very nice presentation, nice project, but not for this property. This property should be commercial, used for business. The traffic impact would not be good for this area at all. Johnnie Tieche stated he agreed with Ralph Lashells. He could maybe see medium density, but the traffic will not reduce. Looks great, but it is too much for this area. In the evening, Congress on 10th Avenue, even Congress to Forest Hill Boulevard have tons of traffic. Larry Saingilus agreed, he stated he could see maybe the mixed use with the

commercial, but not this project on this property. James Mandigo wanted to commend the applicant on their due diligence. High density is already in the community to the west, there is not enough room for another high density community. The traffic does not meet the figures with what is already out there. Peter Braun stated he had driven all over New York City and has not seen anything like Congress Avenue and Forest Hill Boulevard. He agreed with everyone else, medium density is the best. The consensus of the Board was this was not a good project for this property.

Ms. Miskel did respond to the gated verses non-gated. The communities that are gated, they are being managed, it is a way to improve the concerns the Board has with the threat of a non-gated. She also addressed the traffic regarding what the law projects for this property.

Kyle Kahant - 3227 Lillian Road - asked if this was going to be government subsidized?

Ms. Miskel answered no.

Director Glas-Castro mentioned to Mr. Coffield that the letter from the YMCA had not been received by her office, maybe it was mailed to the Managers office but she would definitely add it to the package when it was received. She continued that there were four (4) letters of support from Lakeside Village. Director Glas-Castro stated the amenities that was shown to the Board is different then what was presented to Staff and is different than what the Board has in their packet. She mentioned a few other times that were not mentioned to Staff prior to the meeting. She talked about the Interlocal Agreement that most of the municipalities have with the School Board and the School Board will be allowed to sit on the Board of the Local Planning Agency when this is presented.

Officer Frank Castro stated they looked at the project with Staff, the connectivity of someone living there for management, like other there are other rental units in the Village, is not always manned. The gates do work, but the quality of management provided is the disconnect. Possibly doing screening with the tenants. Those are the concerns from the past when dealing with management. Director Glas-Castro also mentioned the Chief of Police has been working on a Traffic Calming policy which would be brought for discussion.

Motion: Ralph Lashells	Second: James Mandigo	Vote: Motion Deny: 0 - 5
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Deny

Chairman Tieche asked the public or the Board for any additional comments. Hearing none, a motion to recommend denial of the proposed land use amendment for Ordinance No. 2020-04 made by Mr. Lashells and seconded by Mr. Mandigo. Motion carried 4-1

A Roll Call vote of denial of Ordinance No. 2020-04. Vote Carried 5-0 for denial.

7. QUASI JUDICIAL PUBLIC HEARINGS

- 7.1 Resolution No. 2020-04: Residential Planned Development Site Plan (SPR20-2) and Two (2) Waivers, and Sign Variance (PSV20-01) - Palm Springs Residences - 2085 South Congress Avenue and 3243 Lillian Road (Quasi-Judicial Hearing)
[Res No. 2020-04 Residential Planned Development - SPR20-02 - Palm Springs Residences](#)

Exhibit "A" - Staff Report and Recommended Conditions of Approval Project Narrative, Justification Statement and Application Conditional Approval Letters
 Site Plan, Civil Plan, Landscape Plans, Architectural Plans and Survey Colored Site Plan
 Median Improvements and Turn Lane Improvements
 Parking Study, Parking Management Plan and Parking Supply Exhibits Traffic Study
 Support Letters from Lakeside Village Residents
 Excerpt from Village Council Meeting Minutes 8.9.18
 Excerpt from Village Council Meeting Minutes 9.27.18
 Excerpt from Village Council Meeting Minutes 6.13.19 Aerial Map and Location Maps

Deny

Chairman Tieche asked the public or the Board for any additional comments. Hearing none, a motion to deny Resolution No. 2020-04 was made by Mr. Lashells and seconded by Mrs. Gehrman. Motion carried 5-0

A roll call vote was taken in favor of denying Resolution No. 2020-04. Motion carried 5-0

Motion: Ralph Lashells	Second: Kim Gehrman	Vote: Motion Deny: 5 - 0
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8. ACTIONS AND REPORTS

Director Glas-Castro stated that all applications had been heard, therefore the meeting on March 10, 2020 was cancelled.

ADJOURNMENT

Hearing no further business, Chairman Tieche adjourned the meeting at 8:55 PM



 Johnnie Tieche, Chairman



 Jane R. Worth, Deputy Clerk

Approved by Board 5-13-2020
 (Date)



NEXT MEETING TUESDAY, MARCH 10, 2020

If a person decides to appeal any decision made by this Council with respect to 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 in order to attend or participate in this meeting should contact the Village Clerk at (561) 965-4010 at least 3 business days prior to the meeting in order to request such assistance.