



**PLANNING AND ZONING ADVISORY BOARD MEETING
MINUTES, COUNCIL CHAMBERS
226 CYPRESS LANE
VILLAGE OF PALM SPRINGS, FLORIDA
OCTOBER 11, 2022 AT 6:30 PM**

CALL TO ORDER

The meeting was called to order by Chairman Johnnie Tieche at 6:30 PM.

ROLL CALL

BOARD MEMBERS: *Chairman Johnnie Tieche, Vice Chairman Richard Hughes, Ralph Lashells, Peter Braun, and Kim Gehrman*

ABSENT:

Larry Saingilus

STAFF:

Planning, Zoning, and Building Director Iramis Cabrera, Village Attorney Susan Garrett, and Deputy Village Clerk Jane R. Worth

1. **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.**

Staff: Jane Worth, Deputy Village Clerk

ADDITIONS, DELETIONS OR MODIFICATIONS TO THE AGENDA

There were none.

APPROVAL OF MINUTES

2. **MINUTES:** Approval of September 13, 2022, Planning and Zoning Advisory Board Minutes

Staff: Jane Worth, Deputy Village Clerk

ORDER OF BUSINESS

REGULAR AGENDA

PUBLIC HEARINGS

3. **Planning and Zoning Board Order No. 2022-09 - Elimination of the Outdoor Play Area Variance (PSV22-17) - Extraordinary Kids Foundation - 4218-4220 Lake Worth Road:** A motion to approve a Variance relief from Section 34-1022(f) to eliminate the required outdoor play area, located at 4218--4220 Lake Worth Road.

Staff: Iramis Cabrera, PZB Director

SUMMARY: Ms. Madean Gilzene, agent for the tenant, Extraordinary Kids Foundation ("Applicant"), applied for a Special Exception Use (PSSE22- 08) and Site Plan Amendment (SPR22-15) approval to allow the conversion of a 5,495 square feet or retail-office space into a child care facility located on a 4.25-acre parcel that is at 4236 Lake Worth Road. The proposed tenant will be occupying two (2) tenant bays within the existing shopping center (4218-4220 Lake Worth Road) .

In 2014, the Village annexed the 4.25-acre property as a developed parcel with 40,240 square feet of building space within two (2) commercial entities.

Child care facilities are permissible in the CG district with the special exception of approval. The applicant proposes a childcare facility to care for children with medical or skilled nursing needs who cannot attend a traditional daycare. The center will serve children from birth to age 21 with medical conditions that require nursing care and a doctor's prescription to attend. It is not open to the general public. A prescribed pediatric extended care facility is not licensed by Florida's Department of Children and Families like a traditional daycare, but rather by the Florida Agency for Health Care Administration ("AHCA"), which also regulates assisted living facilities, nursing homes, and hospitals. Health conditions include down syndrome, respiratory illness, autism, and cerebral palsy. A maximum of 60 children can be served at a time at the center from 7 a.m. to 7 p.m., Monday through Friday. Registered nurses, licensed practical nurses, and care assistants will work at the facility.

As part of the proposed project, the applicant is requesting one (1) variance:

1. PSV22-17 - Request to allow the elimination of outdoor play area required (provides relief from Section 34-1022(5))

Despite the fact that the literal interpretation of the code may cause hardship, the staff agrees that the removal of the outdoor play area is the minimum variance needed. By granting the variance we will comply with the intent of the Land Development Regulations and not harm the shopping center's balance. Conditional approval is recommended by Planning, Zoning & Building staff because there is no objection to the variance requested.

Director Cabrera discussed Items #3 and #4 together as they are for the same applicant. Director Cabrera stated it was a Site Plan and Special Exception, in which the applicant will be occupying two (2) tenant bays located at 4218-4220 Lake Worth Road. The staff does not have any issues and supports the applicant. The Applicant, Ms. Madene Gilsteen was present for any questions the Board might have.

Ms. Madene Gilsteen - President of the Extraordinary Kids Foundation, 1928 Lake Worth Road, Lake Worth, FL 33461. Ms. Gilsteen stated they want to occupy units 4218 and 4200 - Monday thru Friday 7 AM to 7 PM. The children have a large range of different medical needs, for example, from down syndrome to Spina Bifida,

and Autism. Some children were born premature, and some children need nebulizer treatments but are put in our school to also get their education. Ms. Gilsteen stated that the school is currently located at Boutwell Road and Lake Worth Road. She also said it had become a very undesirable location and felt this new location would be more beneficial for the children's needs and the school's needs.

The Board asked the following questions. Ms. Gilsteen answered them as follows:

- 1) Did you mention that there were Autistic children? Yes, there are.
- 2) How long have you been in business? Five (5) years. Currently, there are 35 students. We are licensed up to 60. At the height of the pandemic, a lot of the children were at home, as they had respiratory problems and that was the safest situation for them. We are hoping they will come back now, and this is a much nicer location. There are too many homeless people at the current location and does not have the best curb appeal.
- 3) What is the lease arrangement? Ms. Gilsteen said they are currently on a lease and will be on a lease again for 3-5 years.
- 4) What is the ratio between staff and children? By law, one (1) staff to three (3) children. Depending on the needs of the children, there could also be one (1) staff to children two (2).
- 5) What is a typical daily program for business? Ms. Gilsteen stated there is a curriculum, and those that are able to cognitively participate, do. There is pet time when animals come and visit us. There is music time for those that can only participate that way, which is very soothing. Meals are also provided for the children or some will bring their own.
- 6) Are there other types of children that come from different environments, fostered or possibly adopted? Ms. Gilsteen answered yes, some children are in foster care, and some are in state custody. We also have a parents' night out. We also do education for parents to teach them how to take care of their children's new medical needs. Every single one of our staff members has to do CPR Certification, our nurses have BCS and ALS certifications.

Chairman Tieche asked the public or the Board for any additional comments needed from Ms. Gilsteen. Hearing none, a motion for approval of Planning and Zoning Board Order No. 2022-09 was made by Mr. Hughes and seconded by Mr. Braun. The motion carried 5-0.

FISCAL IMPACT:

The proposed project is expected to have a minor fiscal impact on the Village as it would require various Village services that would result in increased revenue for the village.

4. **Special Exception Use (PSSE22-08) and Site Development Plan Amendment (SPR22-15) - Extraordinary Kids Foundation (Quasi-Judicial Hearing):** Motion to approve Extraordinary Kids Foundation (Applicant), Site Plan Amendment (SPR-22-15) and concurrently requesting a Special Exception Use (PSSE22-08) to allow a 5,490 square foot child daycare with medical or skilled nursing needs.

Staff: Iramis Cabrera, PZB Director

SUMMARY: Ms. Madean Gilzene, agent for the tenant, Extraordinary Kids Foundation, ("Applicant"), has submitted an application for a Special Exception Use (PSSE22-08) and Site Plan Amendment (SPR22-15) approval, to allow the conversion of a 5,495 square feet of retail-office space into a child care facility located on a 4.25-acre parcel that is located at 4236 Lake Worth Road. The proposed tenant will be occupying two (2) tenant bays within the existing shopping center (4218-4220 Lake Worth Road).

Note: The 4.25-acre property was annexed into the Village in 2014 as a developed parcel with a total of 40,240 square feet of building area within two (2) commercial structures.

Child care facilities are permissible in the Commercial General (CG) district with the special exception of approval. The applicant is proposing a childcare facility to provide care for children who have medical or skilled nursing needs that prevent them from attending a traditional daycare. The center will serve children from birth to age 21 with medical conditions that require nursing care and a doctor's prescription to attend. The facility is not open to the general public. A prescribed pediatric extended care facility is not licensed by Florida's Department of Children and Families like a traditional daycare, instead, it is licensed by Florida's Agency for Health Care Administration ("AHCA"), which also regulates assisted living facilities, nursing homes, and hospitals. Examples of the types of conditions served are down syndrome, respiratory illness, autism, and cerebral palsy. The center will serve up to 60 children from Monday to Friday, from 7 am to 7 pm. Staff will consist of registered nurses, licensed practical nurses, and care aides.

As part of the proposed project, the applicant requests one (1) variance subject to a separate agenda item.

The Planning, Zoning & Building staff do not object to the proposed Special Exception Use and Site Development Plan Amendment and recommend conditional approval of the proposed project.

This Item was discussed with Item #3.

Mr. Hughes questioned in his readings whether there was mention of qualifying for the children. Could the applicant please explain that? Ms. Gilsteen stated there is an advisory Board under Medicaid and they have to approve whether Extraordinary Kids Foundation will be able to have that child.

Chairman Tieche asked the public or the Board for any additional comments on

Item No. 4. Hearing none, a motion to recommend approval of Special Exception Use (PSSE22-08) and Site Development Plan Amendment (SPR22-15) was made by Ms. Gehrman and seconded by Mr. Lashells. The motion carried, 5-0.

FISCAL IMPACT:

The proposed project is expected to have a minor fiscal impact on the Village as it would require various Village services that would result in increased revenue for the village.

5. **Ordinance No. 2022-12 - Land Use Amendment and Rezoning (Small-Scale) - Oxygen Development (Quasi-Judicial Hearing):** Motion to recommend for approval, Ordinance No. 2022-12; a Small-Scale Land Use change from Commercial General "(C)" and Medium Density Residential "(RM)" to Light Industrial "(LI)" and Rezoning from Commercial General (CG) and Residential Multiple-Family (RM) to Light Industrial (LI).

Staff: Iramis Cabrera, PZB Director

SUMMARY: Mr. Marty Minor from Urban Design Studio, agent for Oxygen Holdings, LLC. ("Applicant"), is requesting a Small-Scale land use plan amendment and rezoning on 17.76 acres (comprised of thirteen parcels) to facilitate an industrial development project.

The proposed small-scale land use change would be from Commercial and Medium Density Residential to Light Industrial, concurrent with Rezoning from Commercial General (CG) and Residential Multiple-Family (RM) to Light Industrial (LI). The combined properties are less than 50 acres in size (17.76 acres total) and are planned for a mix of manufacturing and warehouse use.

The applicant is concurrently requesting Site Plan approval to allow a 150,780 square foot warehouse in addition to the 211,363 square foot existing warehouse-manufacturing building. The proposed site plan is presented (within this item) for informational purposes only (no action is required at this time).

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 map and rezoning amendments are approved on the 2nd and final reading, and the proposed Site Plan will be presented for consideration at a future date.

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.

The Local Planning Agency (LPA) and Village Council will consider the proposed small-scale land use map and rezoning amendments during their November 10,

2022 meeting, and recommendations from the Planning & Zoning Advisory Board will be shared.

Director Cabrera stated Mr. Marty Minor, representing the Applicant, Oxygen Holdings, will be doing a presentation and will be available for the Board to ask questions.

Mr. Marty Minor had a power point presentation and stated this would be a multi-step process. He said in the future a Site Plan approval would be coming before the Board. The site is north of the Forest Hill Shopping Center. To the west of the facility, they would like to construct a 150,000-square-foot warehouse. Mr. Minor stated they would like the Board's recommendation for future land use from Commercial and Medium Density Residential to Light Industrial, concurrent with Rezoning from Commercial General (CG) and Residential Multiple-Family RM) to Light Industrial (LI). The first four (4) PCNs are light industrial and had been since 2009 and would like to change to Light Industrial. The existing building has been expanded to the west and there are two (2) lots on Melaleuca Road that they will put into future parking. The County signed off on a preliminary traffic study. The taxable value of the building has almost doubled in 10 years. Mr. Minor stated they would meet with surrounding neighbors regarding the proposed future development and they were looking for the Board's recommendation for the land use change and zoning.

The Board had the following questions and Mr. Minor answered as follows:

- 1) How many employees are there? Approximately 900.
- 2) How many employees might live within 10 miles of that location? How many employees for the future facility? There are currently 25 people in the warehouse on Southern Boulevard.
- 3) Currently there are sober homes that are boarded up. Will there be exit access to DaLinda? On DaLinda we are proposing to abandon those multi-family homes and that will become the retention pond. The traffic will be somewhat minimal.
- 4) Mr. Lashells stated they have been great neighbors to date.

Chairman Tieche asked if the Board or the Public had any additional comments.

1) Elizabeth Jacobs - 3179 Melaleuca Road - is opposed to the expansion. Melaleuca Road is a through street into the neighborhood and already has excessive traffic. She and other residents are working with the Palm Beach County Zoning office about the excessive traffic. Oxygen manufacturers' makeup and there has already been a chemical explosion, and the police have been called more than once in reference to the night shift partying and causing disturbances with the neighbors. If necessary, she would have no problem getting residents to sign a petition all around the three (3) lakes, to not have this expansion.

2) Adolpho Torres - 1652 Lone Pine Way - Mr. Torres wanted Mr. Marty to know Lone Pine Way is a little road. There are only five (5) families and there are small children living there. Exposing that road to traffic would be a nightmare for them.

Chairman Tieche asked the public or the Board for any additional comments. Hearing none, a motion to recommend approval of Ordinance No. 2022-12 was made by Mr. Lashells and seconded by Mr. Braun. The motion carried, 4-1. Mrs. Gehrman was opposed.

FISCAL IMPACT:

The proposed land use and zoning amendments are not expected to provide a direct fiscal impact on the Village; however, it would facilitate development that will increase the Village's property valuation.

OTHER BUSINESS

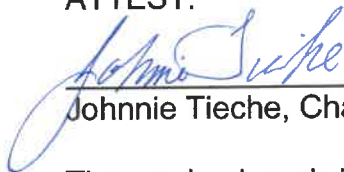
Director Cabrera stated a different date would have to be agreed upon for the November meeting due to the elections. She said either the week after, Tuesday, November 15th, or Wednesday the 9th.

The Board agreed upon Wednesday, November 9th, 2022 @ 6:30 PM.

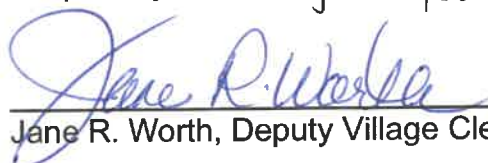
ADJOURNMENT

Hearing no further business, Chairman Tieche adjourned the meeting at 7:10 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 October 11, 2022. Which minutes were formally approved and adopted by the Planning & Zoning Board March 15, 2023.


Jane R. Worth, Deputy Village Clerk



**NEXT REGULAR MEETING:
TO BE DETERMINED AT MEETING OF OCTOBER 11, 2022**

If a person decides to appeal any decision made by this Board with respect to any matter considered at this meeting, they will need a record of the proceeding, and that for such purpose they 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.