



**PLANNING AND ZONING ADVISORY BOARD MEETING
MINUTES, VILLAGE COUNCIL CHAMBERS
226 CYPRESS LANE, VILLAGE OF PALM SPRINGS, FLORIDA
JULY 11, 2023 AT 6:30 PM**

CALL TO ORDER

The meeting was called to order by Chairman Johnnie Tieche at 6:31 PM.

ROLL CALL:

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

ABSENT: Ralph Lashells

STAFF: Planning, Zoning, and Building Director Iramis Cabrera, Planning, Zoning and Building Planner, Christian Menedez, Village Attorney Christy Goddeau, 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.**

Deputy Worth asked the Board Members if there was ex part communications. The Board answered there were none. Deputy Worth swore in Ms. Anna Colon, Mr. Juan Samperio and Mr. Josh Nichols

ADDITIONS, DELETIONS OR MODIFICATIONS TO THE AGENDA

Director Cabrera informed the Board that Item #7 would be considered after Item #4.

APPROVAL OF MINUTES

2. **Approval of May 9, 2023, Planning and Zoning Advisory Board Meeting Minutes:** Motion to approve May 9, 2023 minutes from the Planning and Zoning Advisory Board Meeting Staff: Jane Worth, Deputy Village Clerk
3. **Approval of June 13, 2023, Planning and Zoning Advisory Board Meeting Minutes:** Motion to approve June 13, 2023 minutes from the Planning and Zoning Advisory Board Meeting Staff: Jane Worth, Deputy Village Clerk

ORDER OF BUSINESS

REGULAR AGENDA

PUBLIC HEARINGS

4. **Planning and Zoning Board Order No. 2023-03 - Minimum Lot Width Variance - Gulfstream Road Vacant Lot:** Motion to approve Planning and Zoning Development Order No. 2023-03 for variance relief to allow a minimum lot width of 50 feet in lieu of the 65 feet minimum required for the construction of a new single-family home at Gulfstream Road, Parcel No. 7043-44-18-00-000-7640 submitted by Mr. Juan Samperio, agent for Mery Vigoya, Applicant and Owner.

Staff: Christian Melendez Berrios, PZ&B Planner

SUMMARY: Mr. Juan Samperio, agent for Mery Vigoya ("Applicant and Owner"), is requesting variance relief to allow a minimum lot width of 50 feet in lieu of the 65 feet minimum required for the construction of a new single-family home at Gulfstream Road, Parcel No. 70-43-44-18-00-000-7640.

The Village of Palm Springs annexed the property in May 2000 by Ordinance No. 2000-05. The

Land Development Zoning District designates it for Residential Multiple-Family and a Future Land Use category of Low-Density Residential. The lot has been vacant since then. The proposed variance will facilitate the construction of a single-family home compatible with surrounding properties.

At this time, the applicant is seeking a minimum lot width variance:

1. **(PSV23-14)** - Variance Relief from Section 34-746 (2) of the Village of Palm Springs Land Development Regulations to allow a minimum lot width of 50 feet rather than 65 feet minimum required.

The Planning, Zoning & Building Staff recommends approval of the variance to facilitate the construction of a single-family home based on compatibility with surrounding properties.

FISCAL IMPACT

The proposed request will facilitate the development of the property which will enhance the Village's assessed property valuation.

Planning, Zoning & Building Planner Christian Melendez stated that Applicant Mery Vigoya requested a variance relief from Section 334-746 to allow a minimum lot width of 50 feet rather than the 65 feet minimum required.

Planner Melendez said the Planning, Zoning, and Building Staff recommend approval of the variance for constructing a single-family home compatible with the surrounding properties.

Mr. Juan Samperio, agent for Mery Vigoya ("Applicant and Owner"), presented the information needed for the requirements and measurements of the lot and setbacks.

The Board had the following remarks: What is the width of the lots on each side of the house? Mr Samperio said 30 feet. Clarification was needed as the Board wanted to know the footage on each side between homes. Mr. Samperio stated one was 65 feet and the other was 50 feet. Director Cabrera confirmed the minimum setback for a single-family home was 65 feet, this lot was 50 feet. That is why the variance was requested.

Chairman Tieche asked the public or the Board for any additional comments. Hearing none, a motion for approval of Planning and Zoning Board Order No. 2023-03 was made by Mr. Hughes and seconded by Mr. Braun. The motion carried 4-0.

5. Planning & Zoning Board Order No. 2023-04 - Minimum Landscape Buffer Width Variance (PSV23-11) and Minimum Rear Setback Variance (PSV23-12) – Office and Retail Building – 2833 South Congress Avenue: Motion to approve Planning and Zoning Development Order No. 2023-04 for variance relief for the construction of a new 4,382 square-foot office/retail building on the two combined commercial vacant parcels at 2833 South Congress Avenue. Staff: Iramis Cabrera, PZB Director

SUMMARY: Schmidt Nicols, LEED AP, agent for Yuma Hamed, MGR, 2791 South Congress Realty, LLC ("Applicant"), is requesting a Site Development Plan approval (SPR23-06) with two variances (PSV23-11 and PSV23-12) for the construction of a new 4,382 square-foot office/retail building on the two combined commercial vacant parcels at 2833 South Congress Avenue.

The proposed development plan consists of a 4,382 square feet commercial building with a buildout year of 2026. Site access to the site is proposed via an ingress-only driveway connection to Congress Avenue and full access driveway connection to Emerson Road. The property is bounded by a variety of uses between retail, restaurant, convenience stores, and professional offices along Congress Avenue. Properties to the west are generally residential.

Note: The subject property has a Future Land Use designation of Commercial and it is zoned Commercial General (CG). The property is surrounded on two (2) sides by public rights-of-way; Emerson Road to the north and Congress Avenue to the east.

Currently, the 0.66-acre property is undeveloped. A retail/office building is permitted use in the Commercial General (CG). The proposed building is designed in a contemporary style with varied facades in order to be generally compatible with the structures along the Congress Avenue corridor. The elevations are broken into several stepped planes that incorporate differences in height, materials, and parapet configurations. The site represents the ideal location for the development of the proposed commercial building as the proposed development is compatible and consistent with the existing character of the area. The proposed development has been appropriately placed on the subject site to accommodate the development regulations of the existing commercial uses within the surrounding area. The proposed uses provide a transition between the commercial uses along Congress Avenue and the residences along the west side, creating compatibility and cohesion with the surrounding area.

As part of the proposed Site Development Plan, the applicant is requesting two (2) variances which are subject to the Planning and Zoning Board's consideration:

1. (PSV23-11) - Request to allow a 10' wide landscaped buffer along the eastern boundary adjacent to South Congress Avenue (provides relief from Section 34-162(b)(5) that requires a 15' wide buffer).
2. (PSV23-12) - Request to allow a 27' rear setback along the western boundary adjacent to residential properties (provides relief from Section 34-826(9) that requires a 30' setback).

The Planning, Zoning & Building staff does not object to the variances being requested and recommends approval to facilitate the development project for the property.

FISCAL IMPACT:

The proposed development will enhance the village's assessed property evaluation. Additionally, the new construction may have a positive effect on neighboring properties.

Director Cabrera stated Items #5 and #6 would be presented together but voted individually.

Planner Melendez informed the Board Schmidt Nicols, LEED AP, agent for Yuma Hamed, MGR was requesting a Site Development Plan approval (SPR23-06) with two (2) variances (PSV23-11 and PSV23-12) for the construction of a new 4,382 square-foot office/retail building on the two (2) combined commercial vacant parcels at 2833 South Congress Avenue. The Planning, Zoning, and Building Staff did not object to the variances being requested and recommended approval for the development project.

Mr. Josh Nichols, with Schmidt Nichols Agent for the Applicant Yuma Hamed, MGR, did the presentation by PowerPoint for the Board and attendees of the meeting. He stated this was at the southwest corner of Emerson Road and Congress Avenue. The land use will not be changed; it is currently Commercial Land Use and Commercial General, which is in place presently. There were many conversations with FDOT, and three feet of right of way was dedicated. Mr. Nichols presented the colors and building renderings. Mr. Nichols also addressed the variances being requested, and stated there were no problems with meeting the requests.

Chairman Tieche also commended the current owner on the amazing job he had done on keeping the property in excellent condition.

Chairman Tieche asked the Board for any questions.

1. On the rear/west side, there's no driving back there correct and residents that live next to the proposed building will not be inconvenienced by noise? Mr. Nichols answered there is no driving, and the residents will not be infringed on.

2. Will people have the shell already designed for them? Mr. Nichols stated they would design the inside, but the outside facade has already been designed.

3. Where will the A/C units be placed? Mr. Nichols stated the units for air conditioning would be on the top of the building. A discussion on the turning from Congress into Emerson and from the south heading north. Mr. Nichols discussed that there were two peak-hour morning turns and seven peak-hour night turns.

4. Is there a wall on the west side of the single-family house? Mr. Nichols stated there was not a wall. Director Cabrera stated they could ask for a wall as a requirement. Currently, there is an existing six-foot chain link fence. Is there a hedge on the plans? Mr. Nichols said there is a hedge line there.

5. Architectural Design is very good. There won't be any occupants that will be using lighting that will be distracting. Director Cabrera stated the units are shells and the occupants will have to come in for permitting and build-out requirements. Director Cabrera said that the village code does not allow for lights or flags as advertisements.

Chairman Tieche asked the public or the Board for any additional comments for Planning and Zoning Board Order No. 2023-04. Hearing none, a motion to recommend approval of Planning and Zoning Board Order No. 2023-04 was made by Mr. Hughes and seconded by Mrs. Gehrman with the requirements discussed with staff and to keep the current chain link fence. The motion carried, 4-0.

6. Site Development Plan (SPR23-06) Office and Retail Building – 2833 South Congress Avenue: Motion to recommend for approval to the Village Council for a Site Development Plan (SPR23-06) for the construction of a new 4,382 square-foot office/retail building on the two combined commercial vacant parcels at 2833 South Congress Avenue.

Staff: Christian Melendez Berrios, PZ&B Planner

SUMMARY: Schmidt Nicols, LEED AP, agent for Yuma Hamed, MGR, 2791 S Congress Realty, LLC (“Applicant”), is requesting a Site Development Plan approval (SPR23-06) with two variances (PSV23-11 and PSV23-12) for the construction of a new 4,382 square-foot office/retail building on the two combined commercial vacant parcels at 2833 South Congress Avenue.

The proposed development plan consists of a 4,382 square foot commercial building with a buildout year of 2026. Site access to the site is proposed via an ingress-only driveway connection to Congress Avenue and full access driveway connection to Emerson Road. The property is bounded by a variety of uses between retail, restaurant, convenience stores, and professional offices along Congress Avenue. Properties to the west are generally residential.

Note: The subject property has a Future Land Use designation of Commercial, and it is zoned Commercial General (CG). The property is surrounded on two (2) sides by public rights-of-way; Emerson Road to the north and Congress Avenue to the east.

Currently, the 0.66-acre property is undeveloped. A retail/office building is permitted to use in the Commercial General (CG). The proposed building is designed in a contemporary style with varied facades in order to be generally compatible with the structures along the Congress Avenue corridor. The elevations are broken into several stepped planes that incorporate differences in height, materials, and parapet configurations. The site represents the ideal location for the development of the proposed commercial building, as the proposed development is compatible and consistent with the existing character of the area. The proposed development has been appropriately placed on the subject site to accommodate the development regulations of the existing commercial uses within the surrounding area. The proposed uses provide a transition between the commercial uses along Congress Avenue and the residences along the west side, creating compatibility and cohesion with the surrounding area.

As part of the proposed Site Development Plan, the applicant is requesting two (2) variances which are subject to the Planning and Zoning Board's consideration:

1. **(PSV23-11)** - Request to allow a 10' wide landscaped buffer along the eastern boundary adjacent to South Congress Avenue (provides relief from Section 34-162(b)(5) that requires a 15' wide buffer).

2. **(PSV23-12)** - Request to allow a 27' rear setback along the western boundary adjacent to residential properties (provides relief from Section 34-826(9) that requires a 30' setback).

The Planning, Zoning & Building staff does not object to the proposed Site Development Plan, and Variances requested and recommends conditional approval to facilitate the development project for the property.

FISCAL IMPACT:

The proposed development will enhance the village's assessed property evaluation. Additionally, the new construction may have a positive effect on neighboring properties.

This Item was discussed and presented at the same time as Item #5.

Chairman Tieche asked the public or the Board for any additional comments. Hearing none, a motion to recommend approval of the Site Development Plan (SPR23-06) was made by Mr. Hughes and seconded by Mr. Braun. The motion carried, 4-0.

7. Residential Multi-Family Site Development Plan (SPR23-08) - 2689 Kirk Road and 4056 Linda Lane: Motion to recommend approval from the Village Council for a Residential Multi-Family Site Development Plan (SPR23-08) for the combination of the two residential multifamily parcels located at 2689 Kirk Road and 4056 Linda Lane, to allow the construction of five (5) additional residential dwelling units in addition to the existing single-family residence, for a total of six (6) residential dwelling units to be called Townhomes at Linda Lane. Staff: Christian Melendez Berrios, PZ&B Technician

SUMMARY: Ana Colom, agent for AMJ Property Management LLC ("Applicant"), is requesting a Site Development Plan approval (**SPR23-08**) for the combination of the two (2) residential multifamily parcels located at 2689 Kirk Road and 4056 Linda Lane, to allow the construction of five (5) additional residential dwelling units in addition to the existing single-family residence, for a total of six (6) residential dwelling units to be called Townhomes at Linda Lane.

The proposed development constitutes 10,710 square feet of building area, including five (5) residential units and an office. The property is located on the southwest corner of the intersection of Linda Lane and Kirk Road. Each unit will be configured with three bedrooms, 2 and 1/2 bathrooms, and a kitchen. Each unit will have a washer and dryer and a one-car garage with two (2) additional parking spaces within the driveway. The existing residence will remain and will be rented along with the five (5) new units as part of the rental community.

Note: This proposed residential community would have two (2) access driveways along Linda Lane right-of-way.

The Planning & Zoning Staff does not object to the Residential Multi-Family Development Site Plan and recommends conditional approval of the proposed development subject to the conditions listed on the Staff Report.

FISCAL IMPACT:

The proposed development will enhance the village's assessed property valuation.

Planner Melendez informed the Board, that Anna Colon, agent for AMJ Property Management LLC is constructing 5 additional two (2) story residential dwelling units. Currently, there is an existing single-family home, which is being proposed to be renovated. The proposed development would also include an office totaling 10, 710 square feet.

The Planning & Zoning Staff does not object to the Residential Multi-Family Development Site Plan and recommends conditional approval of the proposed development subject to the conditions listed on the Staff Report.

Ms. Anna Colon, representing Team Architect for AMJ Property Management LLC. The total square acres is 1.05 acres. The proposed project is five (5) units, 2 stories each, and a small office space and is located on Linda Lane and Kirk Road. The site plan required 21 parking spaces and that is provided. The buffer required around the perimeter is met. There are no variance requests. There will be enclosed garages, three (3) bedrooms, and 2.5 bathrooms. Modern style facade. Some of the landscaping exists, and all the landscape buffer is provided by the applicant. Ms. Colon explained the layout of the townhomes on the inside. Each apartment unit will be 2,000 square feet.

Chairman Tieche asked for comments from the Board. The Board's concerns were:

1. Were the garages considered part of the parking space in the 21 spaces provided? Ms. Colon stated yes. One car in the garage, one car in the driveway. The lease agreement will state that the garage must be a parking garage.

2. What is the recourse for the overflow of parking, who is to maintain the congestion, the Police and Code Enforcement? Ms. Colon stated the manager would respond to the excess parking overflow. Director Cabrera confirmed that the parking is definitely in the lease agreement with the tenants.

3. Where are there sidewalks? Ms. Colon answered from Kirk Road, from the street to the back by the bike rack. Director Cabrera informed the Board that Linda Lane is

a County Road and is not a requirement of Palm Beach County. Ms. Colon stated there was an open green space in the back that could be used for recreational space.

Chairman Tieche asked the public or the Board for any additional comments on Item No. 7. Hearing none, a motion to recommend approval of the Site Development Plan (SPR2308) was made by Mr. Braun and seconded by Mrs. Gehrman. The motion carried, 3-1. Mr. Hughes was opposed.

8. Planning & Zoning Board Order No. 2023-05 - Landscape Buffer Width Variance (PSV23-13) - Lakewood Plaza - 3772 South Military Trail: Motion to approve Planning and Zoning Development Order No. 2023-05 variance relief to allow a 10' wide landscaped buffer along the eastern and (PSV23-13) for variance relief to allow a 27' rear setback along the western boundary adjacent to residential properties, for the construction of a new 4,382 square-foot office/retail building on the two combined commercial vacant parcels at 2833 South Congress Avenue.

Staff: Christian Melendez Berrios, PZ&B Planner

SUMMARY: Schmidt Nichols, Agent for the owner, Caled Hamed, MGR, CAT Realty, LLC, is requesting a Site Plan Amendment (SPR23-07) and Special Exception use (PSSE23-03) approval to allow the renovation of the existing commercial structure to accommodate a 4,898 square foot retail space, a 1,400 square foot restaurant and 1,877 square foot office use for a total of 8,175 square foot commercial space within the property located at 3772 South Military Trail.

Note: The property was annexed into the Village of Palm Springs on December 11, 2014, as a developed parcel, and while it was part of Palm Beach County, the property was used as a Funeral Home. The property has been vacant since the annexation took place.

A Site Plan Amendment is being requested to enable the applicant to convert the existing building into retail sales, a restaurant, and professional offices. The proposed building is designed in a contemporary style with varied facades in order to be generally compatible with the structures along the Military Trail corridor. The elevations are broken into several stepped planes that incorporate differences in height, materials, and parapet configurations. The site represents the ideal location for the development of the proposed commercial building as the proposed development is compatible and consistent with the existing character of the area. The proposed development has been appropriately placed on the subject site to accommodate the development patterns of the existing commercial uses within the surrounding area. The proposed development mitigates adverse impacts and creates an appropriate transition in uses, creating compatibility and cohesion with the surrounding area. Based on the existing site constraints, the proposed use is the highest and best use for the applicant as well as the Village.

As part of the proposed site plan, the applicant requests one (1) variance that is subject to the Planning and Zoning Board's consideration:

1. **(PSV23-13)** - Request to allow a 3' wide landscape buffer along the western boundary adjacent to Military Trail (provides relief from Section 34-162(b)(5) that requires a 15' wide buffer).

The Planning, Zoning & Building Staff does not object to the applicant's request and recommends conditional approval to facilitate the redevelopment project proposed for the property.

FISCAL IMPACT:

The proposed project will enhance the Village's assessed property valuation.

Director Cabrera stated Item #8 and Item #9 would be presented together.

Planner Christian Melendez stated Schmidt Nicols, agent for Caled Hamed, MGR, CAT Realty, LLC was presenting for the Applicant. The property was annexed on December 11, 2021 as a developed property. It was originally a funeral home. The applicant is asking for one (1) variance for a 3-foot-wide landscaped buffer along the western boundary adjacent to Military Trail that requires a 15' wide buffer. The existing commercial structures would accommodate a 4,898 square foot retail space, a 1,400 square foot restaurant, and a 1,877 square foot office use for a total of 8,175 square foot commercial space located at 3772 South Military Trail.

Mr. Josh Nichols, Agent for the Applicant, stated this was originally a funeral home. The improvements that exist go to the Military Trail. FDOT stated the signage and parking were owned by FDOT, and the applicant had to buy back land in the amount of \$80,000. Mr. Nichols presented a PowerPoint to the Board and discussed the project data. The building will have rehab, everything will be updated, and there are drainage issues. The architecture is very similar to the previous presentation, modern structure. While the landscaped buffer looks to be three (3) feet, there is an additional five (5) feet. The staff has evaluated the variances and conditions of approval and the applicant agrees with everything. The homeless situation has also been addressed as Code Enforcement did call and a construction barrier has been installed.

The Board asked why there was not a second floor added. Mr. Nichols stated he was not an engineer, but he did not think structurally it was sound for the second floor. Was the eastern fence along the east chain link? Mr. Nichols stated it was a six (6) foot precast wall. Along the south boundary, there is no wall, it is commercial to commercial.

Chairman Tieche asked the public or the Board for any additional comments. Hearing none, a motion to recommend approval of Planning & Zoning Board Order No. 2023-05 was made by Mr. Hughes and seconded by Mr. Braun. The motion carried, 4-0.

9. Site Development Plan Amendment (SPR23-07) and Special Exception Use (PSSE23-03) - Lakewood Plaza - 3772 South Military Trail: Motion to recommend approval to the Village Council for a Site Development Plan Amendment (SPR23-07) and Special Exception Use (PSSE23-03) approval to allow the renovation of the existing commercial structure to accommodate a 4,898 square foot retail space, a 1,400 square foot restaurant and 1,877 square foot office use for a total of 8,175 square foot commercial space within the property located at 3772 South Military Trail. Staff: Christian Melendez Berrios, PZ&B Planner

SUMMARY: Schmidt Nichols, Agent for the owner, Caled Hamed, MGR, CAT Realty, LLC, is requesting a Site Development Plan Amendment (SPR23-07) and Special Exception use (PSSE2303) approval to allow the renovation of the existing commercial structure to accommodate a 4,898 square foot retail space, a 1,400 square foot restaurant and 1,877 square foot office use for a total of 8,175 square foot commercial space within the property located at 3772 South Military Trail.

Note: The property was annexed into the Village of Palm Springs on December 11, 2014, as a developed parcel. Before the annexation, the property was used as a funeral home while it was within Palm Beach County but has been vacant since the annexation took place.

A Site Plan Amendment is requested to enable the applicant to convert the existing building into retail sales, restaurants, and professional offices. The proposed building is designed in a contemporary style with varied facades to be generally compatible with the structures along the Military Trail corridor. The elevations are broken into several stepped planes incorporating differences in height, materials, and parapet configurations. The site represents the ideal location for the development of the proposed commercial building, as the proposed development is compatible and consistent with the area's existing character. The proposed development has been appropriately placed on the subject site to accommodate the development patterns of the current commercial uses within the surrounding area. The proposed development mitigates adverse impacts and creates an appropriate use transition, creating compatibility and cohesion with the surrounding area.

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

1. (PSV23-13) - Request to allow a 3' wide landscaped buffer along the western boundary adjacent to Military Trail (provides relief from Section 34-162(b)(5) that requires a 15' wide buffer).

The Planning, Zoning & Building Staff does not object to the applicant's request and recommends conditional approval to facilitate the redevelopment project proposed for the property.

FISCAL IMPACT:

The proposed project will enhance the village's assessed property valuation. Additionally, the new project may have a positive effect on neighboring properties.

This Item was discussed with Item #8.

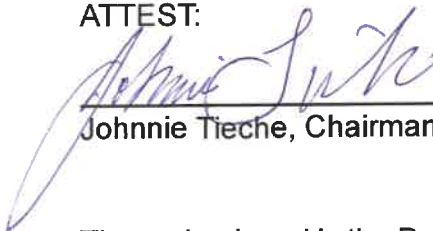
Chairman Tieche asked the public or the Board for any additional comments. Hearing none, a motion to recommend approval of Site Development Plan Amendment and Special Exception Use (PSSE23-03) was made by Mr. Hughes and seconded by Mr. Braun. The motion carried, 4-0.

OTHER BUSINESS

ADJOURNMENT

Hearing no further business, Chairman Tieche adjourned the meeting at 7:29 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 July 11, 2023. Which minutes were formally approved and adopted by the Planning and Zoning Advisory Board on September 12, 2023.


Jane R. Worth, Deputy Village Clerk



NEXT REGULAR MEETING: TUESDAY, AUGUST 8, 2023 @ 6:30 PM

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.