



**AGENDA
PLANNING AND ZONING BOARD
VILLAGE HALL COUNCIL CHAMBERS
226 CYPRESS LANE ■ PALM SPRINGS, FL 33461
MARCH 8, 2022
6:30 PM**

Johnnie Tieche, Chairman
Richard Hughes, Vice-Chairman
Ralph Lashells, Board Member
Vacant, Jr. Alternate

Peter Braun, Board Member
Kim Gehrman, Board Member
Brenda Browning, Sr. Alternate

ADMINISTRATION

PZ&B Director Iramis Cabrera
PZ&B Planner Christian Melendez

Deputy Village Clerk Jane R. Worth
Village Attorney Christy Goddeau

Persons who need an accommodation to attend or participate in this meeting should contact the office of the Village Clerk at (561) 584-8200 at least three (3) business days before the event to request such assistance.

CALL TO ORDER

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

ROLL CALL

Present: Chairman Jonnie Tieche, Vice Chairman Richard Hughes, Ralph Lashells, Kim Gehrman

Absent: James Mandigo, Peter Braun, and Larry Saingilus

Staff Present: Planning, Zoning, and Building Director Iramis Cabrera, Planning, Zoning, and Building Planner Rogelio Perez, Village Attorney Susan Garrett, and Deputy Clerk Jane R. Worth

ADDITIONS, DELETIONS OR MODIFICATIONS TO THE AGENDA

Deputy Clerk Worth announced that Ms. Kimberly Gehrman has been moved to a Regular Member position. Mr. Larry Saingilus will move up to the Senior Alternate

position, and there will be a vacancy in the Junior Alternate position.

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 anyone on the Board.

Deputy Clerk Worth swore in the following: Ms. Ana Colom, Mr. Steven Siebert, Mr. Scott Ehrenberg and Mr. Mike Chesfski.

1. **Resolution No. 2022-09 - Preliminary Plat - Prince Place - 3075 Prince Drive, 3098 Ferrell Drive & a vacant lot on Paetzold Drive (Quasi-Judicial Hearing)**

Staff: Iramis Cabrera, PZB Director

Mr. Miles Rich, the applicant, has filed a preliminary plat to re-plat portions of lots C, D, and E, Block 98 of The Palm Beach Farms CO. Plat No. 7 (as recorded in Plat Book 5 page 72 of Public Records of Palm Beach County, Florida). The applicant is proposing to join three (3) parcels into a unified plat and delineate 19 individual townhouse lots, consistent with the site plan approved by the Village Council (Resolution 2021-31 - November 18, 2021).

The Village's Surveyor, Craven Thompson & Associates Inc., has reviewed the proposed plat and has determined that it complies with Chapter 177, F.S. - Platting Regulations.

The Village Council will consider the proposed plat during their April 12, 2022 meeting.

If approved, a final plat will be presented to the Village Council for consideration. The recording of the plat is required prior to the issuance of a certificate of occupancy for a new residence.

Planning, Zoning, and Building (PZ&B) Planner, Rogelio Gonzalez informed the Board that the applicant, Mr. Miles Rich has submitted a preliminary plat to re-plat portions of lots C, D, and E, Block 98 of The Palm Beach Farms CO. Plat No. 7 (as recorded in Plat Book 5 page 72 of Public Records of Palm Beach County, Florida).

The Village's Surveyor, Craven Thompson & Associates Inc., has reviewed the proposed plat and has determined that it complies with Chapter 177, F.S. - Platting Regulations. The Village Council will consider the proposed plat during their April 12, 2022, meeting. A final plat will be presented to the Village Council for consideration if approved. The plat recording is required

before issuing a certificate of occupancy for a new residence.

Attorney Garrett stated if the applicant wanted to present anything or comment, he could at this time.

Mr. Miles Rich informed the Board that he was trying to create something new and beautiful in the Village. Mr. Rich said he did not have a presentation, as the information from Planner Gonzalez was precise. Mr. Rich thanked each member of the Board for their time and support.

Chairman Tieche asked the public or the Board for any additional comments. Hearing none, a motion to recommend approval of Resolution No. 2022-09 was made by Mr. Lashells and seconded by Mr. Hughes. Motion carried, 4-0.

FISCAL IMPACT:

There is no direct fiscal impact from the proposed preliminary plat.

2. **Minor Site Development Plan (SPR22-05) - Planning & Zoning Board Order No. 2022-02 - 1827 Palm Acres Drive**

Staff: Iramis Cabrera, PZB Director

Ms. Ana Colom, agent for the applicant, Mr. Elio Fernandez, is requesting approval of a minor site development plan to develop a 0.438-acre multi-family parcel, with the construction of three (3) dwelling units. There is an existing single-family home on the property that is being demolished with the construction of a 3,023 square feet residential triplex structure.

The property was annexed into the Village in 2001, and designated as Residential Multiple-Family Land Development (Zoning) District and Medium Density Residential (10 du/ac) Future Land Use category.

The building will be configured with two (2) bedrooms and two-bathroom apartments and one (1) three-bedroom and three-bathroom apartment. There will be a single 304 square foot utility room with a bathroom for the convenience of the maintenance person to store his tools and lawn equipment.

Note: On April 13, 2021, the Planning & Zoning Board denied an application submitted by the same applicant proposing to maintain the existing single-family home and to add a triplex structure for a total of four dwelling units. At that time, the applicant was requesting five (5) variances concurrently with the site plan. The applicant revised the project to eliminate one unit and no variances are required as part of this application.

The proposed site plan is consistent with the land use designation and generally meets land development regulations for a residential multiple-family (RM) zoning district.

Staff support the applicant's request and recommends conditional approval based

on consistency with the medium density allowances that would allow up to a maximum intensity of four (4) residential dwelling units.

Planning, Zoning, and Building (PZ&B) Planner Rogelio Gonzalez informed the Board the property was annexed into the Village in 2001. The applicant is requesting approval of a minor site development plan. The proposed construction will be three (3) dwelling units, of 3.23 square feet as a residential triplex structure.

PZ&B Planner Gonzalez stated the staff supports the applicant's request and recommends conditional approval based on consistency with the medium density allowances that would allow up to a maximum intensity of four (4) residential dwelling units.

Ms. Ana Colom, agent for the Applicant, Mr. Elio Fernandez, introduced a new minor site development plan. She was also available for any questions the Board might have. Ms. Colom stated the building will be configured with two (2) bedrooms and two-bathroom apartments and one (1) three-bedroom and three-bathroom apartment. There will be a single 304-square-foot utility room with a bathroom for the convenience of the maintenance person to store his tools and lawn equipment. The design is compatible with the landscape code of the Village. The fire department and ambulance can come onto the road as that is a concern for all.

The Board was concerned about the storage building that would be in the back that also had a bathroom, and they were worried about the owner leasing it out as a 5th unit. Ms. Colom stated that is not the intent of the owner. The Board made a statement that this was a much better presentation of the project than the prior one submitted.

The Board asked what the rest of the surrounding homes were. PZ&B Planner Gonzalez stated it was a mix of commercial and multifamily. The Board asked about the parking. Ms. Colom stated there were three (3) units, and there were ten (10) spaces as required by the code.

The Board asked Ms. Colom if there was any problem with the 27 conditions listed for the project. Ms. Colom answered there were not. Director Cabrera mentioned there were 28 conditions with the last one being from the Palm Beach County School Board. Ms. Colom still said there was not a problem at all.

Chairman Tieche asked the public or the Board for any additional comments on Item No. 2, Minor Site Development Plan (SPR22-05) - Planning and Zoning Board Order 2022-02. Hearing none, a motion to recommend approval of Planning and Zoning Board Order 2022-02 was made by Mrs. Gehrman, along with the 27 conditions including the one (1) condition from the PBC School Board and seconded by Mr. Lashells. Motion carried 4-0.

FISCAL IMPACT:

The proposed project is expected to have a fiscal impact on the Village as it would enhance the Village's assessed property valuation. Additionally, this project, if approved, would require various Village services that will result in increased expenditure on the Village.

3. **Resolution No. 2022-14 - Nueva Vida New Life Church - Expansion of Special Exception (PSSE22-04) and Site Plan Approval (SPR22-07) - 3066 Drew Way (Quasi-Judicial Hearing)**

Staff: Iramis Cabrera, PZB Director

SUMMARY: Nueva Vida New Life Inc., as the property owner of the existing church at 3066 Drew Way, is requesting a modification to the site plan and a special exception for a place of worship to construct a new 1,775 square feet sanctuary building.

The existing structures consisting of a place of worship, office, and meeting space, and a parsonage residence (totaling 3,551 square feet) will remain on the property as part of the Church's campus, and, with the proposed expansion, the total building area will be 5,326 square feet.

Note: On July 9, 2015, the Village Council approved a site plan amendment (SPR15-08) and a special exception use (PSSE15-04), under Resolution 2015-52, to construct a new 3,814 square foot church building. A building permit was issued on June 7, 2016, but construction was never completed. Currently, the site plan proposed constitutes a reduction of the building area by 2,039 square feet.

A place of worship is a special exception use in the residential single-family (RS) district. The church provides a transition between the commercial uses along Congress Avenue and the single-family residences along Drew Way.

The Planning, Zoning, and Building Staff does not object to the expansion of the special exception use and the site plan requested and recommends conditional approval subject to thirty-four (34) conditions.

Planning, Zoning, and Building Planner Rogelio Gonzalez gave the Board a summary of the project. Nueva Vida New Life Inc. is requesting a modification to the site plan and a special exception for a place of worship to construct a new 1,775-square-foot sanctuary building. In 2015, the Applicant requested a site plan amendment (SPR15-08) and a special exception use (PSSE15-04), under Resolution 2015-52. The construction was never completed.

Mr. Simeon Kirilov with Steven Siebert Architecture, Inc., agent for the Applicant, showed the Board what the new addition would look like with a

rendering that was created. Mr. Kirilov said that he didn't have anything else to add, as Mr. Gonzalez's presentation was right to the point about what the applicant was requesting.

There were no questions from the Board.

Chairman Tieche asked the public or the Board for any additional comments on Resolution No. 2022-14. Hearing none, a motion to recommend approval of Resolution No. 2022-14 was made by Mr. Hughes' subject to the 34 conditions, and seconded by Mrs. Gehrman. The motion carried 4-0.

FISCAL IMPACT:

The proposed request does not have an immediate fiscal impact on the Village since the church is tax-exempt; however, the new construction may have a positive effect on neighboring properties.

4. **Resolution No. 2022-13 - Site Plan Amendment (SPR22-06) and Special Exception Use (PSSE22-03) - Triomphe Restaurant and Lounge - 4206-4208 Lake Worth Road (*Quasi-Judicial Hearing*)**

Staff: Rogelio Perez Gonzalez, Planner

SUMMARY: Mr. Scott Ehrenberg of Berg Design, Inc., agent for the tenant Triomphe Restaurant, Lounge, & Banquet Hall, LLC., "applicant", is requesting a Site Plan Amendment (SPR22-06) and Special Exception Use (PSSE22-03) to allow the conversion of a 7,080 square foot retail-office spaces into a restaurant and private club located on a 4.25-acre parcel that is at 4236 Lake Worth Road. The proposed tenant will be occupying two tenant bays within the existing Commercial General (CG) shopping center (4206-4208 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 building area within two (2) commercial structures.

The applicant was illegally operating a banquet hall/private club without previous approval by the Village. A restaurant and private club are permissible as special exception uses in the CG district, and approval by the Village Council is required. If the special exception uses are approved, they would be valid as long as they remain in operation. The approved uses would become null and void should the uses cease or be unutilized for more than twelve (12) months.

A site plan amendment is being requested to enable the applicant to bring the property up to code to the greatest extent possible and to increase consistency with the Village's Commercial General (CG) zoning district regulations.

As a separate item, the applicant is requesting relief from the Code with two variances (PSV22-02 and PSV22-03) from Section 14-61 to allow business operations to commence at 8:00 am and to be extended until 2:00 am on Sundays,

rather than from 12:00 pm to 11:00 pm, as it is required for establishments that dispense alcohol beverages for on-premise consumption. Additionally, the applicant is requesting an allowance to operate later than 11:00 pm on premises located within 54 feet from a residential district rather than the required 250 feet.

1. (PSV22-02) - Variance relief from Section 14-61 to allow operation from 8:00 am until 2:00 am on Sundays instead of 12:00 pm to 11:00 pm operating time required.
2. (PSV22-03) - Variance relief from Section 14-61 (d) to allow hours of operation later than 11:00 pm located 54 feet away from the nearest residential district instead of the required 250 feet.

Note: The proposed hours of operation variance and distance requirement variance will not be considered by the Planning & Zoning Advisory Board as Village Code (Section 34-891 - Hours of Operation) states that these variances are approved by the Village Council.

The Planning, Zoning and Building Staff have conducted a review of the application and have concerns that the criteria for a Special Exception use have not been met. Specifically, Section 34-607(b)(3) and five (5) have not been met in that:

1. The proposed special exception use may have a detrimental impact on surrounding properties in terms of air pollution, crime, noise, and other potential nuisance. The establishment was operating illegally without village approval. There are reports of the establishment serving alcohol without proper credentials, and with minors present. There have been multiple complaints to Palm Springs Police regarding loud music and vehicle racing on the site.

A special exception is "a use that would not be appropriate generally or without restriction throughout the zoning district". The staff did not find that the requested special exception (private club) would provide for the appropriate use of the land pursuant to Section 34-602(d) in consideration of the previously mentioned issues.

The Planning, Zoning, & Building Staff objects to the proposed special exception use, site plan amendment, and hours of operation variance and recommends denial of the proposed request. Should the Planning and Zoning Board desire to recommend approval of the application, Staff recommend that said motion be subject to the conditions listed on the Staff Report.

Planning, Zoning, and Building Planner Rogelio Gonzalez introduced the project, Triomphe Restaurant, and Lounge to the Board located at 4206-4208 Lake Worth Road. Previously, the applicant was illegally operating a nightclub and a bar. Such businesses are allowed within the Village, following the Village Code. Staff is concerned 34-607(3)(b). The establishment was operating with violations. There have been numerous complaints from neighbors.

Staff recommends denial of the requested project.

Mr. Scott Erenberg was present to represent the "Applicant". Mr. Erenberg did open with an apology to the Board regarding the opening and operation of the establishment as they were under the influence that the previous architect had done permitting and inspections. The one major complaint was when the clients were having a function and that was when another group of people came to the property and were burning their tires and had their music turned up extremely loud. Mr. Erenberg continued to say they would work with the fire department, the police department, and the planning and zoning staff to complete compliance.

The Board asked if there was a theme for the club. Mr. Erenberg stated it was a restaurant with another room where there was dancing and a band.

The Board was uncomfortable with the fact that there was alcohol being served to minors. Mr. Erenberg stated he had no idea or notion of minors being served.

The variance for alcohol is from 8 AM to 2 AM on Sunday. The Board asked if there was a liquor license. Mr. Erenberg stated the applicant was in the process and halfway done.

Chairman Tieche stated four (4) bars are no longer in the Village, as the Village changed the criteria for the hours of operation. The Board stated they were very concerned about the area, as the Village is trying to clean up that particular section where this plaza is located. The owner has applied for a permit to improve the facade of the entire section they are in. The Board mentioned that multiple restaurants are operating and have not had complaints such as these.

Director Cabrera mentioned they were not operating as a restaurant, they were operating as a night bar. Mr. Mike Chesfski, the owner of the property, mentioned that the property is located south of an adult bookstore, and it's disgusting. On the other side is a taco bus open until 2 am with loud music, and they are not an asset to the village. Mr. Chesfski stated there are no residential properties to the east of the shopping plaza.

Chairman Tieche stated it would also have been a benefit if the applicants had come before all the incidents. Clubs seem to bring the wrong type of business. Mr. Erenberg stated the zoning applies to this site. He mentioned that they went to the banquet hall and not a private club.

Director Cabrera stated banquet halls are not permitted in the village. The Board stated there are a lot of inconsistencies and uncertain complaints that need further investigation. The Village is trying to clean up that area,

knowing there are loud, disturbing activities taking place at this time. Board Member Lashells stated a banquet hall would be permitted more than a bar or club. However, being open until 2 AM on a Sunday and serving alcohol, complaints have already set the hesitancy with going forward.

Village Attorney Garrett stated the Board's role is to recommend approval of the Resolution and the Special Exception Use to the Village Council as it had already been noticed to the public for that meeting. Attorney Garrett also informed Mr. Erenberg that she would be happy to supply him with the criteria for a Special Exception Use.

Chairman Tieche asked if there were any comments from the public or the Board. Hearing none, Chairman Tieche asked the Board if there were any additional comments. Hearing none, Mr. Lashells recommended denial, and Mr. Hughes seconded it. Denial 4-0

FISCAL IMPACT:

The proposed project is not expected to have a direct fiscal impact on the Village. However, if approved, this project would require various Village services that will result in increased expenditures to the Village.

5. **Resolution No. 2022-11 - Site Plan Amendment (SPR22-04) and Special Exception Use (PSSE22-02) - Congress Square - Assembly of Spoken Word - 4175 S Congress Ave Suite E and F (*Quasi-Judicial Hearing*)**

Staff: Rogelio Perez Gonzalez, Planner

SUMMARY: Mr. Kevin McGinley of Land Research Management, Inc., agent for the owner Medical Services of America, Inc., Applicant, is requesting a Site Plan Amendment (SPR22-04) and Special Exception Use (PSSE22-02) to allow a 1,640 square foot place of worship within two tenant bays at the Congress Square shopping center in the Commerical General property, located at 4175 South Congress Avenue.

Note: The 1.86-acre property is developed with a 17,590 square foot commercial plaza. The property was annexed into the Village in 2016 as a developed parcel. Additionally, in 2019, the Planning, Zoning, & Building Director approved an Administrative Site Plan Amendment and Special Exception Use to allow 820-square foot restaurant use.

A place of worship is a special exception use in the CG district. Per the Village Code, the approved special exception use is valid as long as it remains in operation, and should it cease or not be utilized for more than 12 months, the approval becomes null and void.

Planning, Zoning, & Building Staff does not object to the proposed special exception use and site plan amendment and recommends conditional approval of the proposed development subject to eight (8) conditions.

Planning, Zoning, and Building Planner Rogelio Gonzalez introduced the site

plan amendment and special exception use to the Board. Planner Gonzalez informed the Board members that Mr. Kevin McGinley, agent for the owner of Medical Services of America, Inc., Applicant, was requesting the allowance of a 1, 640 square-foot place of worship within town tenant bays at the Congress Square shopping center in the Commercial General property, located at 4175 South Congress Avenue.

Note: The 1.86-acre property is developed with a 17,590-square-foot commercial plaza. A place of worship is a special exception use in the CG district.

Mr. Kevin McGinley represented the applicant, Assembly of Spoken Word. Simple renovations and it is already set up as a use for a church. One of the improvements to be made would be the bathrooms.

Chairman Tieche asked the public or the Board for any additional comments on Resolution No. 2022-11. Hearing none, a motion to recommend approval of Resolution No. 2022-11 was made by Mr. Hughes and seconded by Mrs. Gehrman. The motion carried 4-0.

FISCAL IMPACT:

The proposed project is not expected to have a direct fiscal impact on the Village as the use is anticipated to be tax exempt. However, if this project is approved, it would require various Village services, which would result in increased expenditures for the Village.

OTHER BUSINESS

ADJOURNMENT

Chairman Tieche adjourned the meeting at 7:40 PM.

**NEXT MEETING
TUESDAY, APRIL 12, 2022 AT 6:30 PM**

If a person decides to appeal any decision made by the Council concerning any considered matter, they will need a record of the proceeding. For such purposes, they may need to ensure that a verbatim record of the proceedings is available. The recording includes the testimony and evidence upon which the appeal is to be based.

Village of Palm Springs

Title VI/Nondiscrimination Policy

I. Policy Statement:

The Village of Palm Springs values diversity and welcomes input from all interested parties, regardless of cultural identity, background, or income level. Moreover, the Village believes the best programs and services result from careful consideration of the needs of all its communities and when those communities are involved in the decision-making process. The Village does not tolerate discrimination in any of its programs, services, or activities. Pursuant to Title VI of the Civil Rights Act of 1964 and other federal and state authorities, the Village will not exclude from participation in, deny the benefits of, or subject to discrimination anyone on the grounds of race, color, national origin, sex, age, disability, religion, or family status.

II. Persons with Disabilities:

Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA) and related federal and state laws and regulations forbid discrimination against those who have disabilities. These laws require federal-aid recipients and other government entities to take affirmative steps to reasonably accommodate those with disabilities and ensure that their needs are equitably represented.

The Village will make every effort to ensure that its facilities, programs, services, and activities are accessible to those with disabilities. The Village will also make every effort to ensure that its advisory committees, public involvement activities and all other programs, services and activities include representation by communities with disabilities and disability service groups.

The Village encourages the public to report any facility, program, service, or activity that appears inaccessible to those who are disabled. Also, the Village will provide reasonable accommodation to individuals with disabilities who wish to participate in public involvement events or who require special assistance to access facilities, programs, services, or activities. Because providing reasonable accommodation may require outside assistance, the Village asks that requests be made at least three (3) business days prior to the need for accommodation. Questions, concerns, comments, or requests for accommodation should be made to the Village ADA Officer:

Name: Ashley Saingilus
Address: 226 Cypress Lane, Palm Springs, FL 33461
Email: asaingilus@vpsfl.org
Phone: (561)584-8200 Ext. 8421

III. Complaint Procedures:

The Village has established a discrimination complaint procedure and will take prompt and reasonable action to investigate and eliminate discrimination when found. Any person who believes that he or she has been subjected to discrimination based upon race, color, national origin, sex, religion, age, disability or family status in any Village program, service or activity may file a complaint with the Village Title VI/Nondiscrimination Coordinator:

Name: Janette Piedra, Human Resources Manager
Address: 226 Cypress Lane, Palm Springs, FL 33461
Email: jpiedra@vpsfl.org
Phone: (561)584-8200 Ext. 8422