



**AGENDA  
VILLAGE COUNCIL MEETING  
VILLAGE HALL COMMUNITY ROOM  
226 CYPRESS LANE**

**SEPTEMBER 13, 2007  
7:30 P.M.**

**COUNCIL**

- Mayor John M. "Mike" Davis
- Vice Mayor Bev Smith
- Mayor Pro Tem Joni Brinkman
- Council Member Chet Osborne
- Council Member Patti Waller

**ADMINISTRATION**

- Village Manager Karl E. Umberger
- Village Attorney Karen E. Roselli
- Village Clerk Virginia M. Walton

**CALL TO ORDER**

**ROLL CALL**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA**

Motion	Second	Vote
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**CONSENT AGENDA**

- 1. Minutes of Regular Council Meeting on August 23, 2007**
- 2. RESOLUTION NO. 2007-60 (AGREEMENT)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY, ATTACHED HERETO AS EXHIBIT "1", PURSUANT TO SECTION 163.01, AND SECTION 171.046 FLORIDA STATUTES, ET SEQ., FOR THE PURPOSE OF ANNEXING SIX (6) ENCLAVES OF TEN ACRES OR LESS, THOSE LANDS BEING MORE FULLY DESCRIBED IN EXHIBIT "A" TO THE INTERLOCAL AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

Staff: Bette Lowe, Land Development Director

Motion	Second	Vote
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End of Consent Agenda.....

**ANNOUNCEMENTS AND PROCLAMATIONS**

- 3. **Mayor’s Proclamation for Citizenship Day/Constitution Week  
September 17 – 23, 2007**
- 4. **Mayor Proclamation for POW/MIA Recognition Day September 15, 2007**

**PUBLIC COMMENT - (Five minute limit)**

**PUBLIC HEARINGS**

- 5. **RESOLUTION NO. 2007-48 (SITE PLAN – QJ)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF THE OWNERS, BUENA VISTA HOMES OF THE PALM BEACHES, INC., FOR SITE PLAN APPROVAL (SPR 07-11) AND A SPECIAL EXCEPTION USE (PSSE 07-06) FOR CONSTRUCTION OF A 29,500 SQUARE FOOT WAREHOUSE/OFFICE/FLEX SPACE COMMERCE CENTER, ON 2.18 ACRES, TO BE LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF 2<sup>ND</sup> AVENUE NORTH AND DAVIS ROAD; AND ESTABLISHING AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director**

Motion	Second	Vote
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- 6. **RESOLUTION NO. 2007-58 (SITE PLAN – QJ)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF CARLOS M. GONZALEZ, AGENT FOR THE OWNER, ABEL ECHEMENDIA; FOR SITE PLAN APPROVAL (SPR 07-07) FOR CONSTRUCTION OF TWENTY (20) TWO-STORY PUD CLUSTER TOWNHOME RESIDENCES ON 3.58 ACRES LOCATED ON THE WEST SIDE**

**OF REO LANE, SOUTH OF PARK LANE; AND ESTABLISHING AN EFFECTIVE DATE.** Staff: Bette Lowe, Land Development Director

Motion	Second	Vote
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**7. RESOLUTION NO. 2007-63 (SITE PLAN – QJ)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF SUMMIT CONGRESS PLAZA LLC FOR A SITE PLAN APPROVAL (SPR 07-15) FOR CONSTRUCTION OF THREE (3) ONE-STORY COMMERCIAL RETAIL BUILDINGS TOTALING 20,000 SQUARE FEET, ON 5.36 ACRES LOCATED 620 FEET SOUTH OF SUMMIT BOULEVARD ON THE WEST SIDE OF CONGRESS AVENUE IN THE VILLAGE OF PALM SPRINGS, FL; AND ESTABLISHING AN EFFECTIVE DATE.**

Staff: Bette Lowe, Land Development Director

Motion	Second	Vote
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**8. RESOLUTION NO. 2007-64 (AMEND SITE PLAN – QJ)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF MIRZA HOME & CONSTRUCTION CO., FOR AMENDMENT TO SITE PLAN (SPR 05-08), REQUESTING AN EXTENSION OF THE BUILD OUT DEADLINE FROM OCTOBER 1, 2007 TO OCTOBER 1, 2008, FOR CONSTRUCTION OF FIVE (5) SINGLE FAMILY TWO-STORY RESIDENCES TO BE KNOWN AS “HIDDEN SPRINGS” AND LOCATED AT 3682, 3686, 3690, 3694 AND 3698 DAVIS ROAD, A QUARTER MILE NORTH OF LAKE WORTH ROAD; AND ESTABLISHING AN EFFECTIVE DATE.**

Staff: Bette Lowe, Land Development Director

Motion	Second	Vote
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**9. RESOLUTION NO. 2007-65 (SPECIAL EXCEPTION – QJ)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION**

**OF GUILLERMO A. LOPEZ, AGENT FOR THE OWNER, EL SEMBRADOR; FOR A SPECIAL EXCEPTION USE (PSSE 07-09) FOR OPERATION OF A CHURCH IN AN EXISTING STOREFRONT IN SUITE 120 AT LAKESHORE PLAZA, LOCATED AT 2677 FOREST HILL BOULEVARD; AND ESTABLISHING AN EFFECTIVE DATE.**

Staff: Bette Lowe, Land Development Director

Motion	Second	Vote
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**This item will be continued to the September 27, 2007 agenda**

**10. RESOLUTION NO. 2007-66 (SPECIAL EXCEPTION – T-MOBILE ANTENNA)**

Staff: Bette Lowe, Land Development Director

**11. ORDINANCE NO. 2006-60 (THIRD READING)**

**AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF .60 ACRES OWNED BY DANIELLA HENRY; LOCATED AT 1466 SOUTH CONGRESS AVENUE; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; AND CONCURRENTLY AMENDING THE COMPREHENSIVE LAND USE PLAN OF THE VILLAGE TO COMMERCIAL, PURSUANT TO THE "SMALL SCALE" COMPREHENSIVE LAND USE AMENDMENT LAWS OF THE STATE OF FLORIDA, SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN A LAND DEVELOPMENT COMMERCIAL GENERAL ZONING DISTRICT ON THE VILLAGE OF PALM SPRINGS OFFICIAL ZONING MAP; PROVIDING DIRECTIONS TO THE VILLAGE CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Staff: Bette Lowe, Land Development Director

Motion	Second	Roll Call Vote
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**12. ORDINANCE NO. 2006-61 (THIRD READING)**

**AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE COMPREHENSIVE LAND USE PLAN OF THE VILLAGE, PURSUANT TO THE "SMALL SCALE" COMPREHENSIVE LAND USE AMENDMENT LAWS OF THE STATE OF FLORIDA, THE LAND CONSISTING OF LESS THAN 10**

**ACRES, OWNED BY SUMMIT CONGRESS PLAZA LLC, AND LOCATED AT 865 SOUTH CONGRESS AVENUE, AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; TO COMMERCIAL LAND USE; SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN A LAND DEVELOPMENT COMMERCIAL GENERAL (CG) ZONING DISTRICT ON THE VILLAGE OF PALM SPRINGS OFFICIAL ZONING MAP; PROVIDING DIRECTIONS TO THE VILLAGE CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Staff: Bette Lowe, Land Development Director

Motion	Second	Roll Call Vote
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**13. ORDINANCE NO. 2007-05 (THIRD READING)**

**AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF .81 ACRES OWNED BY MICHAEL W. AND MELANIE E. SAVIDGE; LOCATED AT 3767 LAKE WORTH ROAD; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; AND CONCURRENTLY AMENDING THE COMPREHENSIVE LAND USE PLAN OF THE VILLAGE TO COMMERCIAL, PURSUANT TO THE "SMALL SCALE" COMPREHENSIVE LAND USE AMENDMENT LAWS OF THE STATE OF FLORIDA, SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN A LAND DEVELOPMENT COMMERCIAL GENERAL (CG) ZONING DISTRICT ON THE VILLAGE OF PALM SPRINGS OFFICIAL ZONING MAP; PROVIDING DIRECTIONS TO THE VILLAGE CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Staff: Bette Lowe, Land Development Director

Motion	Second	Roll Call Vote
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**14. ORDINANCE NO. 2007-06 (THIRD READING)**

**AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE COMPREHENSIVE LAND USE PLAN OF THE VILLAGE, PURSUANT TO THE "SMALL SCALE" COMPREHENSIVE LAND USE AMENDMENT LAWS OF THE STATE OF FLORIDA, THE LAND CONSISTING OF LESS THAN 10 ACRES, OWNED BY HECTOR CABRERA, LOCATED ON 3386 KIRK ROAD,**

**AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; TO LOW DENSITY RESIDENTIAL; SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN A LAND DEVELOPMENT MULTI-FAMILY RESIDENTIAL ZONING DISTRICT ON THE VILLAGE OF PALM SPRINGS OFFICIAL ZONING MAP; PROVIDING DIRECTIONS TO THE VILLAGE CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Staff: Bette Lowe, Land Development Director

Motion	Second	Roll Call Vote
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**15. ORDINANCE NO. 2007-11 (THIRD READING)**

**AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE COMPREHENSIVE LAND USE PLAN OF THE VILLAGE, PURSUANT TO THE "SMALL SCALE" COMPREHENSIVE LAND USE AMENDMENT LAWS OF THE STATE OF FLORIDA, THE LAND CONSISTING OF LESS THAN 10 ACRES, OWNED BY MARBELLA AT PALM SPRINGS LLC, LOCATED ON THE NORTHWEST CORNER OF 2<sup>ND</sup> AVENUE AND DAVIS ROAD, AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; TO COMMERCIAL; SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN A LAND DEVELOPMENT COMMERCIAL GENERAL (CG) ZONING DISTRICT ON THE VILLAGE OF PALM SPRINGS OFFICIAL ZONING MAP; PROVIDING DIRECTIONS TO THE VILLAGE CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Staff: Bette Lowe, Land Development Director

Motion	Second	Roll Call Vote
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**This item will be pulled from the agenda**

**16. ORDINANCE NO. 2007-10 (THIRD READING - LARGE SCALE LAND USE & REZONE/TONSET & TRINITY CHURCH)**

Staff: Bette Lowe, Land Development Director

**17. ORDINANCE NO. 2007-07 (THIRD READING)**

**A ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING CHAPTER 10, OF THE CODE OF**

**ORDINANCES, ENTITLED “BUILDING AND BUILDING REGULATIONS” BY AMENDING ARTICLE I, SECTION 10-9 ENTITLED “EXTERIOR OF STRUCTURE OF BUILDING”; REPEALING ARTICLE II, DIVISION 1, SECTION 10-31 ENTITLED “ADOPTED; AMENDMENTS”, INCLUDING ALL OF CHAPTER 1 ENTITLED “ADMINISTRATION”; SECTION 10-32 ENTITLED “CHANGES IN CODES DURING CONSTRUCTION”; SECTION 10-51 ENTITLED “PERMIT FEES”; SECTION 10-55 ENTITLED “TIME LIMITATIONS ON PERMITS”; SECTION 10-57 ENTITLED “RECORDS”; AND REPEALING ARTICLE III, DIVISION 2, SECTION 10-91 ENTITLED “UNLAWFUL”; SECTION 10-92 ENTITLED “NOTICE”; SECTION 10-93 ENTITLED “VACATING BUILDINGS”; SECTION 10-94 ENTITLED “ENTRY OR OCCUPANCY OF CONDEMNED AND PLACARDED BUILDINGS”; SECTION 10-95 ENTITLED “REPAIR OR DEMOLITION”; AND SECTION 10-96 ENTITLED “RIGHT TO INSPECT”; CREATING NEW ARTICLE II OF CHAPTER 10, TO BE ENTITLED “FLORIDA BUILDING CODE”; CREATING NEW SECTION 10-31 TO BE ENTITLED “CHAPTER ONE AMENDMENTS”; CREATING CHAPTER I TO BE ENTITLED “ADMINISTRATION”; CREATING SECTION 101 TO BE ENTITLED “GENERAL”; CREATING SECTION 102 TO BE ENTITLED “APPLICABILITY”; CREATING SECTION 103 TO BE ENTITLED “BUILDING DEPARTMENT”; CREATING SECTION 104 TO BE ENTITLED “DUTIES AND POWERS OF BUILDING OFFICIAL”; CREATING SECTION 105 TO BE ENTITLED “PERMITS”; CREATING SECTION 106 TO BE ENTITLED “CONSTRUCTION DOCUMENTS”; CREATING SECTION 107 TO BE ENTITLED “TEMPORARY STRUCTURES AND USES”; CREATING SECTION 108 TO BE ENTITLED “FEES”; CREATING SECTION 109 TO BE ENTITLED “INSPECTIONS”; CREATING SECTION 110 TO BE ENTITLED “CERTIFICATES AND BUILDING USE”; CREATING SECTION 111 TO BE ENTITLED “TESTS”; CREATING SECTION 112 TO BE ENTITLED “CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS”; CREATING SECTION 113 TO BE ENTITLED “SEVERABILITY”; CREATING SECTION 114 TO BE ENTITLED “VIOLATION AND PENALTIES”; PROVIDING FOR SECTION 115 TO BE RESERVED; PROVIDING FOR SEVERABILITY, PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Staff: Bette Lowe, Land Development Director

Motion	Second	Roll Call Vote
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**18. ORDINANCE NO. 2007-14 (SECOND READING)**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, INCREASING THE RATES OF LOCAL BUSINESS TAXES BY FIVE PERCENT FOR FISCAL YEAR 2007/2008; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.** Staff: Bette Lowe, Land Development Director

Motion	Second	Roll Call Vote
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**19. ORDINANCE NO. 2007-15 (SECOND READING)**

**AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A TOTAL OF THIRTEEN (13) PARCELS OF LAND CONSISTING OF A TOTAL OF 5.28 ACRES, INDIVIDUALLY OWNED; LOCATED AT 3866, 3863, 3890, 3893, 3922, 3925, 3945, 3961, 3966 PARK LANE AND 2806, 2784, 2785 REO LANE; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; AND CONCURRENTLY AMENDING THE COMPREHENSIVE LAND USE PLAN OF THE VILLAGE TO LOW DENSITY RESIDENTIAL, PURSUANT TO THE "SMALL SCALE" COMPREHENSIVE LAND USE AMENDMENT LAWS OF THE STATE OF FLORIDA, SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN A LAND DEVELOPMENT RESIDENTIAL MULTI-FAMILY ZONING DISTRICT ON THE VILLAGE OF PALM SPRINGS OFFICIAL ZONING MAP; PROVIDING DIRECTIONS TO THE VILLAGE CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Staff: Bette Lowe, Land Development Director

Motion	Second	Roll Call Vote
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**20. ORDINANCE NO. 2007-16 (SECOND READING)**

**AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A TOTAL OF FOURTEEN (14) PARCELS OF LAND CONSISTING OF A TOTAL OF 5.90 ACRES, INDIVIDUALLY OWNED; LOCATED AT 2573, 2590, 2591, AND 2592 38<sup>TH</sup> TERRACE SOUTH, 3855, 3886, 3900, 3911, 3923, 3947, 3942 AND 3946 DALE ROAD AND 2584 AND 2616 KIRK ROAD; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; AND CONCURRENTLY AMENDING THE COMPREHENSIVE LAND USE PLAN OF THE VILLAGE TO LOW DENSITY RESIDENTIAL, PURSUANT TO THE "SMALL SCALE" COMPREHENSIVE LAND USE AMENDMENT LAWS OF THE STATE OF FLORIDA, SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN A**

**LAND DEVELOPMENT RESIDENTIAL MULTI-FAMILY ZONING DISTRICT ON THE VILLAGE OF PALM SPRINGS OFFICIAL ZONING MAP; PROVIDING DIRECTIONS TO THE VILLAGE CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Staff: Bette Lowe, Land Development Director

Motion	Second	Roll Call Vote
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**21. ORDINANCE NO. 2007-18 (FIRST READING)**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ADOPTING THE FINAL LEVY OF AD VALOREM TAXES IN AND FOR THE VILLAGE OF PALM SPRINGS, FLORIDA FOR FISCAL YEAR 2007/2008; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.** Staff: Rebecca Morse, Finance Director

Motion	Second	Vote
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**22. ORDINANCE NO. 2007-19 (FIRST READING)**

**AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ADOPTING AN ANNUAL BUDGET FOR THE YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.** Staff: Rebecca Morse, Finance Director

Motion	Second	Vote
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**REGULAR AGENDA**

**ACTIONS AND REPORTS**

**23. Discussion of Charter Amendment to move Elections from March to November and extend Council Terms to Four Years**  
 Staff: Karl E. Umberger, Village Manager

Motion	Second	Vote
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**VILLAGE COUNCIL COMMENTS**

**ADJOURNMENT**

**NEXT REGULAR COUNCIL MEETING AND FINAL BUDGET HEARING  
SEPTEMBER 27, 2007 AT 7:30 P.M.**

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 965-4010 at least 3 days prior to the meeting in order to request such assistance.