

**VILLAGE OF PALM SPRINGS  
VILLAGE COUNCIL MINUTES  
REGULAR MEETING, COMMUNITY ROOM, AUGUST 11, 2005**

**CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE**

Mayor John M. "Mike" Davis called the regular meeting of the Village Council to order at 7:30 p.m.

Present: Mayor John M. Davis, Vice Mayor Joni Brinkman, Mayor Pro Tem Patti Waller, Council Member Bev Smith, Council Member Chet Osborne, Village Manager Karl E. Umberger, Village Attorney Paul J. Nicoletti, and Deputy Village Clerk Virginia M. Walton.

Staff present were Public Safety Director Jay Pickens as Sergeant at Arms, Land Development Director Bette J. Lowe and Finance Director Rebecca L. Morse, Public Service Director Bill Davis, Leisure Services Director Bill Golson and Library Director Elena Romeo.

Invocation was given by Village Manager Karl E. Umberger, followed by the Pledge of Allegiance led by Vice Mayor Joni Brinkman.

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

Village Manager: Item No. 4 – pull from the agenda

Item Nos. 5, 6, 7 & 10 continued to August 25<sup>th</sup> Agenda

Item No. 8 continued to September 21<sup>st</sup> Agenda

Item No. 17 continued to September 7<sup>th</sup> Agenda, but kept for discussion

Mayor Davis: Item No. 18 moved to Item 2A.

A motion to accept the agenda as revised was made by Council Member Osborne and seconded by Council Member Smith. Motion carried 5 - 0.

**CONSENT AGENDA**

**1. Minutes of Regular Council Meeting on July 28, 2005**

A motion to approve the consent agenda as presented was made by Vice Mayor Brinkman and seconded by Mayor Pro Tem Waller. Motion carried 5 – 0.

**ANNOUNCEMENTS AND PROCLAMATIONS**

**2. Mayor's Proclamation for Florida Water, Wastewater and Systems Operators Week – August 15 – 19, 2005.**

Mayor Davis read the proclamation and presented it to Public Service Director Bill

Davis.

## **2A. Report on Current Issues from Senator Ron Klein**

Mayor Davis introduced Senator Klein. Senator Klein congratulated the Council on the many new projects going on every time he returned to this area and for creating the municipal complex as a creative central gathering place for all the residents, as well as a wonderful central location for meetings.

Senator Klein stated there had been sufficient revenues to do most of what the legislature wanted to do. There was also a bonus of \$1.5 billion in non-recurring revenue as a result of all the rebuilding efforts due to the hurricanes. Palm Beach County was able to obtain more money for our roads and schools. FAU had established a joint medical program with the University of Miami. As this progresses, there will be established a residency program in our area hospitals. Also established was a Support Center for assistance and training of families with autistic children.

A continuing problem that will be a big issue this coming year is establishing a competitive insurance market in Florida. Presently Palm Beach County and Broward were hit with the same rates as Miami/Dade. These increases had gone up in double digit numbers for years. There was little interest from the other counties in the State to pursue this until this year when insurance companies cancelled contracts throughout Florida or raised rates 28 to 30%. The alternative is Citizens Insurance, which had the highest premium costs in the State. Senator Klein stated he intended to submit legislation that changed the current way the approval process is done. Currently the insurance companies submit for a rate increase and are given the increase, then have to justify the increase after the fact. Senator Klein stated his legislation would require the insurance companies to justify their increases publicly prior to approval.

Senator Klein also thanked Council Member Smith for her guidance and assistance with the condition of Kirklane Elementary School. Senator Klein stated he was appalled at the condition of the inside and outside of the school and the lack of action on the part of the School Board was unacceptable. Senator Klein stated this issue was not over and continued pressure on the School Board was important until a proper resolution was accomplished.

Senator Klein responded to questions on the FP&L rate increase. The largest question was if the grids were being properly maintained. The House has done a Study of the Grids, but the Senate had not passed it. The rate issue would be looked at very carefully in the coming months and the numbers given by FP&L would be looked at to make sure they were correct. Senator Klein said there should be a balance between the

investor side and the client side of this issue.

**PUBLIC COMMENT - None**  
**PUBLIC HEARINGS**

**3. RESOLUTION NO. 2005-56 (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, GONZALEZ-MUSIBAY CONSTRUCTORS & LAND DEVELOPERS LLC; FOR SITE PLAN REVIEW (SPR 05-09); FOR CONSTRUCTION OF FORTY-TWO TOWNHOUSES IN A CLUSTER DEVELOPMENT TO BE KNOWN AS ST. CHARLES LANDINGS PHASE II, ON 3.20 ACRES LOCATED ON 2<sup>ND</sup> AVENUE NORTH BETWEEN CONGRESS AVENUE AND DAVIS ROAD; AND ESTABLISHING AN EFFECTIVE DATE.**

Staff: Bette Lowe, Land Development Director

Deputy Clerk Walton advised the Council notice of public hearing was placed in the Lake Worth Herald on July 7, 2005. There were no ex parte communications disclosed. Carlos Gonzalez and Land Development Director Bette Lowe were sworn in to give testimony. Carlos Gonzalez testified the number of units would be reduced to forty units due to the requirements of South Florida Water Management for water retention. Mr. Gonzalez passed around a rendering to show the exterior of the proposed building facade.

In response to questions from the Council, Mr. Gonzalez replied that each building would have the end units as three bedroom units and the balance of units would be two bedrooms with a loft, for a total of 10 three bedroom units and 30 two bedroom units. There would be a one car garage for each unit with a shared paved parking area outside. Also, due to the additional retention area required, the project would now have a homeowners association.

In reply to questions about the additional parking, Mr. Gonzalez stated that there was two additional guest parking spaces across from each building and two guest spots at the tot lot. There was some concern on the part of the Council that there would not be enough parking; however Director Lowe stated the project met code requirements. Mr. Gonzalez assured the Council and Director Lowe that all conditions would be revised and complied with by the time of permit.

Mayor Davis stated this was a public hearing and asked for questions or comments from the public. Hearing none, Village Attorney Nicoletti read the resolution by title. A motion to adopt the resolution was made by Mayor Pro Tem Waller and seconded by Council Member Osborne. Motion carried 5 – 0.

**This item was pulled from the Agenda**

**4. RESOLUTION NO. 2005-57 (SITE PLAN – QJ)**

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF PAUL A. HERSHORIN, AGENT FOR THE OWNER, HALFWAY HOUSES OF FLORIDA, INC.; FOR SITE PLAN REVIEW (SPR 05-10); FOR CONSTRUCTION OF HALFWAY/REHABILITATION HOUSING CONSISTING OF FOUR BUILDINGS, FOR A TOTAL OF SIXTEEN UNITS, ON 1.65 ACRES LOCATED ON LONE PINE WAY AND DEALINDA LANE NORTH OF FOREST HILL BOULEVARD; AND ESTABLISHING AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

**This item will be continued to the August 25<sup>th</sup> Agenda**

**5. RESOLUTION NO. 2005-58 (SITE PLAN – QJ)**

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF PETER GILSTAD/SONG & ASSOCIATES, AGENT FOR THE OWNER, COMPREHENSIVE COMMUNITY CARE NETWORK, INC.; FOR SITE PLAN REVIEW (SPR 05-11); FOR RENOVATION OF THE ENTIRE 15,000 SQUARE FOOT FIRST FLOOR AREA FOR A SPECIAL NEEDS CLINIC, SOCIAL SERVICES OFFICES AND A NEW ENTRANCE/RECEPTION AREA, AND 5,000 QUARE FEET ON SECOND FLOOR AREA FOR NEW MEETING ROOMS AND STAFF SUPPORT AREAS, AND EXTERIOR RENOVATIONS TO INCLUDE NEW SITE LIGHTING, FULL LANDSCAPING, RECONSTRUCTED PARKING SURFACE AND REPLACEMENT OF EXISTING MANSARD ROOFS WITH NEW STUCCO SURFACES, FOR THE EXISTING BUILDING LOCATED AT 2330 SOUTH CONGRESS AVENUE; AND ESTABLISHING AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

**This item will be continued to the August 25<sup>th</sup> Agenda**

**6. RESOLUTION NO. 2005-62 (SITE PLAN – QJ)**

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF JOHN CARRINO, AGENT FOR THE OWNER, PHILIPS LAKE WORTH, L.P.; FOR SITE PLAN REVIEW (SPR 05-13); FOR CONSTRUCTION OF 23,600 SQUARE FEET OF OFFICE AND RETAIL SPACE ON 1.84 ACRES LOCATED AT 3525 SOUTH CONGRESS AVENUE; AND ESTABLISHING AN EFFECTIVE DATE. Staff: Bette Lowe, Land Development Director

**This Item will be continued to the August 25<sup>th</sup> Agenda**

**7. RESOLUTION NO. 2005-63 (SITE PLAN – QJ)**

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF JOHN CARRINO, AGENT FOR THE OWNER, PHILIPS LAKE WORTH, L.P.; FOR SITE PLAN REVIEW (SPR 05-14); FOR CONSTRUCTION OF 23,200 SQUARE FEET OF OFFICE AND RETAIL SPACE ON 1.698 ACRES LOCATED AT 3400 SOUTH CONGRESS AVENUE; AND ESTABLISHING AN EFFECTIVE DATE.

Staff: Bette Lowe, Land Development Director

**This item will be continued to the September 7<sup>th</sup> Agenda**

**8. RESOLUTION NO. 2005-64 (SITE PLAN – QJ)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF CHRISTIAN BALLESTEROS/CBR GROUP ARCHITECTS, AGENT FOR THE OWNER, DOWNTOWN SHOPS LLC; FOR SITE PLAN REVIEW (SPR 05-15); FOR CONSTRUCTION OF 20,894 SQUARE FEET OF OFFICE AND RETAIL SPACE ON 1.46 ACRES LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF LAKE WORTH ROAD AND ADCOCK LANE; AND ESTABLISHING AN EFFECTIVE DATE.** Staff: Bette Lowe, Land Development Director

**9. RESOLUTION NO. 2005-65 (SITE PLAN – QJ)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION OF DAVID KEIR/SEMINOLE BAY LAND CO., AGENT FOR THE OWNER, HUGH W. BAYLESS; FOR SITE PLAN REVIEW (SPR 05-16); FOR CONSTRUCTION OF 1500 SQUARE FEET OF BAR/PAVILION SPACE AND ADDITION OF 395 SQUARE FEET OF BATHROOM FACILITIES TO EXISTING RESTAURANT/BAR KNOWN AS TAPPER'S OAR HOUSE LOCATED AT 3810 SOUTH CONGRESS AVENUE; AND ESTABLISHING AN EFFECTIVE DATE.** Staff: Bette Lowe, Land Development Director

Deputy Clerk Walton advised the Council notice of public hearing was placed in the Lake Worth Herald on July 14, 2005. There were no ex parte communications disclosed. David Keir, Hugh Bayless and Land Development Director Bette Lowe were sworn in to give testimony. David Keir testified there were a number of conditions that he wished to discuss and have a resolution. On Exhibit "A", item #4 was for an existing non-conforming pylon sign, which the applicant wished to keep once improved. Item #13 was the finished floor elevations, and there was a problem with the additional bathroom being constructed. The existing building's elevation was lower and to meet elevation requirements would be difficult; item #23 required closing of the existing building during construction and the applicant wished for this to be amended to state the building would close only for life-safety issues and general code issues be held off until the certificate of occupancy of the new construction. The waivers the applicant was asking for were a 26.8 foot west front yard setback for the existing building instead of 50 feet; a 1 foot south setback instead of the required 15 foot; a reduction to 46 parking spaces instead of 50 (there was a shared parking agreement with Dunkin Donuts in progress); a 24 foot parking aisle instead of 29 feet; a 13 foot angled parking aisle, and a 2 foot overhang of the parking spaces for landscaping in order to meet the 5 foot landscaping buffer.

Mayor Davis asked Director Lowe why this site plan had been brought before Council with so many outstanding issues normally resolved by her department prior to

being put on the agenda. Director Lowe stated the waivers would normally be put before the Board of Adjustment; however, it had taken a long time to bring the site plan to its present stage and there were time restrictions for the applicant's financing. Mayor Davis asked Director Lowe if she had any problem with the requests being made by the applicant. Director Lowe replied she was not in agreement with several of the requests. After discussion about postponing the site plan review, it was the consensus to continue based on the time restrictions for the applicant. Attorney Nicoletti stated the Council could approve the site plan, but adjudicate the items needing resolution until a future meeting.

Director Lowe stated the existing business could not remain open during construction of the bathrooms. After discussion with the applicant, it was agreed the business would close. With regard to the parking agreement, the shared parking would only be acceptable when the agreement was put in a form that was legally sufficient and agreeable to the Village Attorney and recorded. Director Lowe stated the elevations of the bathroom would be a building issue. Director Lowe stated the signage was a Council waiver, since the existing sign did not meet the Village code. The waiver would be a setback waiver. Village Attorney Nicoletti amended Exhibit "A" to add item 25...subject to approval of the bathroom elevation by the building official....and item 26....subject to a cross parking agreement with public access and in a form agreeable to the Village Attorney. The only issue to come back would be a sign variance.

Mayor Davis stated this was a public hearing and asked for questions or comments. Hearing none, Village Attorney Nicoletti read the resolution by title. A motion to adopt the resolution, subject to conditions as amended, was made by Vice Mayor Brinkman and seconded by Council Member Smith. Motion carried 5 – 0.

**This item will be continued to the August 25<sup>th</sup> Agenda**

**10. ORDINANCE NO. 2005-18 (SECOND READING)**

**AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF 8.55 ACRES OWNED BY LAKESHORE CENTER LLC; LOCATED AT 2677 FOREST HILL BOULEVARD; 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, WITH A SPECIAL EXCEPTION FOR SHOPPING CENTER USE, 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

**11. ORDINANCE NO. 2005-19 (SECOND READING)**

**AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING TWO (2) PARCELS OF LAND CONSISTING OF 0.97 ACRES OWNED BY MUTUAL TRUST LLC; LOCATED AT 2719 10<sup>TH</sup> AVENUE NORTH; 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

Deputy Clerk Walton stated that notice of the public hearing was published in the Lake Worth Herald on June 9 and 16, 2005. Attorney Nicoletti read the ordinance by title. There were no comments from the public and no further comments from Staff or Council. A motion to adopt the ordinance on second reading was made by Mayor Pro Tem Waller and seconded by Council Member Osborne. A roll call vote was in favor of adoption 5 – 0. .

**12. ORDINANCE NO. 2005-20 (FIRST 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 BUENA VISTA HOMES OF PALM BEACHES, INC.; 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 MEDIUM DENSITY RESIDENTIAL LAND USE; SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN A LAND DEVELOPMENT RESIDENTIAL MULTI-FAMILY (RM) 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

Manager Umberger advised the Council this property was currently a vacant parcel. The land use amendment and rezoning was determined to be the best use for this property. The Land Development Board had recommended approval of the request at their meeting on August 8, 2005. Mayor Davis stated this was a public hearing and asked for questions or comments. Hearing none, Village Attorney Nicoletti read the ordinance by title. A motion to adopt on first reading was made by Council Member Smith and seconded by Vice Mayor Brinkman. Motion carried 5 – 0.

**13. ORDINANCE NO. 2005-21 (FIRST READING)**

**AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ANNEXING A PARCEL OF LAND CONSISTING OF .82 ACRES OWNED BY SHOWCASE REAL ESTATE INVESTORS LLC; LOCATED AT 3848 DALE 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

Manager Umberger advised the Council the property was currently the site of a single family home. There would be an annexation agreement brought forward at second reading which would increase the density for construction of six units as a cluster development. The Land Development Board had recommended approval of the request at their meeting on August 8, 2005. Mayor Davis stated this was a public hearing and asked for questions or comments. Hearing none, Village Attorney Nicoletti read the ordinance by title. A motion to adopt on first reading was made by Council Member Osborne and seconded by Mayor Pro Tem Waller. Motion carried 5 – 0.

**14. ORDINANCE NO. 2005-22 (FIRST 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 TEN (10) ACRES, OWNED BY HECTOR AND NILDA SARDINA; LOCATED AT 3534 CANAL ROAD; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; TO MEDIUM DENSITY RESIDENTIAL LAND USE; SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN A LAND DEVELOPMENT RESIDENTIAL MULTI-FAMILY (RM) 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

Manager Umberger advised the Council the property was the site of six multi-family units. The land use amendment and rezoning was Village initiated to make the property more compatible to the area. The Land Development Board had recommended approval of the request at their meeting on August 9, 2005. Mayor Davis stated this was a public hearing and asked for questions or comments. Hearing none, Village Attorney Nicoletti read the ordinance by title. A motion to adopt on first reading was made by Vice Mayor

Brinkman and seconded by Council Member Smith. Motion carried 5 – 0.

**15. ORDINANCE NO. 2005-23 (FIRST 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 FOUR PARCELS TOTALLING LESS THAN TEN (10) ACRES OWNED BY EDUARDO CORA, MICHAEL SWAN, CARLO MERCURIO, AND JUAN GARCIA; LOCATED AT 3800, 3804, 3808 AND 3812 MERCURIO DRIVE; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; TO MEDIUM DENSITY RESIDENTIAL LAND USE; SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN A LAND DEVELOPMENT RESIDENTIAL MULTI-FAMILY (RM) 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**

Manager Umberger advised the Council the properties were currently the site of single family residences. The land use amendment and rezoning was Village initiated to make the property more compatible to the area. The Land Development Board had recommended approval of the request at their meeting on August 9, 2005. Mayor Davis stated this was a public hearing and asked for questions or comments. Hearing none, Village Attorney Nicoletti read the ordinance by title. A motion to adopt on first reading was made by Vice Mayor Waller and seconded by Council Member Osborne. Motion carried 5 – 0.

**16. ORDINANCE NO. 2005-24 (FIRST 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 TEN (10) ACRES; OWNED BY PELICAN PROPERTIES; LOCATED AT 3663 A & B , 3675 A & B, 3669 DAVIS ROAD; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; TO MEDIUM DENSITY RESIDENTIAL LAND USE; SAID LANDS TO BE CONCURRENTLY DESIGNATED WITHIN A LAND DEVELOPMENT RESIDENTIAL MULTI-FAMILY (RM) 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**

Manager Umberger advised the Council the properties were currently the site of five multi-family units. The land use amendment and rezoning was Village initiated to make the property more compatible to the area. The Land Development Board had recommended

approval of the request at their meeting on August 9, 2005. Mayor Davis stated this was a public hearing and asked for questions or comments. Hearing none, Village Attorney Nicoletti read the ordinance by title. A motion to adopt on first reading was made by Vice Mayor Brinkman and seconded by Mayor Pro Tem Waller. Motion carried 5 – 0.

**First Reading was continued to the September 7<sup>th</sup> Agenda, but item held for discussion**  
**17. ORDINANCE NO. 2005-25 (FIRST READING)**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING CHAPTER 30 LAND DEVELOPMENT; ARTICLE VI, LAND USE; DIVISION 1, GENERALLY; AND DIVISION 7. SUPPLEMENTAL DISTRICT REGULATIONS; SUBDIVISION II. RECREATIONAL VEHICLES, COMMERCIAL VEHICLES AND SIMILAR VEHICLES BY AMENDING VARIOUS PROVISIONS RELATED TO PARKING; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.** Staff: Paul J. Nicoletti, Village Attorney

Council Member Osborne had several revision requests. On page 8, under parking item (b), take “two boats on trailers out and replace with one boat”; on item (b) (1)(a) strike “front driveway”; under (C), recreational vehicle or hobby vehicle shall not exceed 40 feet should be reverted back to the original 24 feet, and not to include the trailer.

Village Attorney Nicoletti stated the wording should read “not more than two of the following: then boats on trailers, trailers, etc.” Manager Umberger stated residents might have one boat and a smaller kayak, row boat, canoe, etc. Council believed those did not constitute boats; however, the Attorney Nicoletti replied that the definition of boat did include all boats. Council Member Smith had interpreted the original language to read one of each item, for a total of two. There was a consensus that “front driveway” should be deleted. Vice Mayor Brinkman stated if we reduced the size of the recreational vehicles from 40 feet back to 24 feet, it should go back to the public because this would be a major revision. In reply to questions from the Council, Public Safety Director Pickens replied there were quite a few large motor homes in the Village, but not that many boats of that size. The largest boat on a trailer would be around 30 feet. Village Attorney Nicoletti advised the Council that it would be almost impossible to distinguish between two boats and a boat and motor homes from a legal standpoint. Consensus was that Council should think about the changes and have discussions with Staff prior to September 7, 2005 agenda. Village Attorney Nicoletti was asked to bring forth an opinion and suggestions.

**REGULAR AGENDA**

**ACTIONS AND REPORTS**

**This was moved to Item 2A on the Agenda**

**18. Report on Current Issues from Senator Ron Klein**

**FIRST READING OF ORDINANCES - None  
RESOLUTIONS**

**19. RESOLUTION NO. 2005-67**

**A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR TO ENDORSE AN ANNEXATION STUDY FOR USE AS A GUIDE FOR PREPARATION OF JOINT PLANNING AGREEMENT BETWEEN VILLAGE OF PALM SPRINGS AND PALM BEACH COUNTY; PROVIDING DIRECTIONS TO THE VILLAGE CLERK; AND PROVIDING AN EFFECTIVE DATE.**

Staff: Bette Lowe, Land Development Director

Manager Umberger advised the Council this study was a cooperative effort between Palm Beach County Staff and the Village. This Study was to be used as a guide to define an annexation boundary, provide analysis of land use, service delivery, infrastructure and revitalization efforts. The name was changed from Plan to Study after pressure from Palm Beach County Fire/Rescue; however, this study was intended to establish clear lines of communication between the Village and the County to eliminate objections and conflicts in the annexation process. After endorsement by the Village and the County Commissioners, an Interlocal Joint Planning Agreement would be prepared and brought forward. The Land Development Board had recommended approval of the Study at their meeting on August 9, 2005.

Mayor Davis asked Staff if there were any major problems with this Study. Director Lowe stated there were a few items that needed to be ironed out, but these would take place at the time of the Interlocal Agreement. This was a flexible document and not cast in stone. It was a blueprint guide to streamline the annexation process with the County Planning Department. The issue with Fire/Rescue was if a property was annexed into the Village and the MSTU had already been paid, then County Fire/Rescue wanted to continue to service the parcel until the end of the MSTU term.

The Council thanked Staff for all the hard work that went into this Study. Hearing no further comments, Village Attorney Nicoletti read the resolution by title. A motion to adopt the resolution was made by Council Member Osborne and seconded by Council Member Smith. Motion carried 5 – 0.

**VILLAGE COUNCIL COMMENTS**

Council Member Osborne suggested a notice be put in the newsletter advising residents that vegetation should not be put out until the day before their pick up day. Vice Mayor Brinkman and Council Member Smith disagreed because working families usually

do yard work on weekends and the Village needed to be flexible.

Manager Umberger suggested a voluntary reminder be put in the newsletter to put their vegetation out the day before pick up so as not to have unsightly streets, and then delay permanent decision until the privatization of the garbage was finalized.

Council Member Osborne commented that the Council needed to address the parking issues for sites, as this was a continual item brought up for discussion on every site plan. Also, Leisure Service Director Golson was asked when the ball fields would be in good condition. Director Golson replied hopefully within the next three weeks.

Mayor Davis announced the next Local Planning Agency Meeting for August 25, 2005 at 7:15 pm and next Regular Council Meeting for August 25, 2005 at 7:30 pm.

#### **ADJOURNMENT**

Hearing no further business, Mayor Davis adjourned the meeting at 9:35 p.m.

Respectfully submitted,

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Village Clerk

Approved by Council \_\_\_\_\_

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Mayor