



**AGENDA
PLANNING AND ZONING BOARD
VILLAGE HALL COUNCIL CHAMBERS
226 CYPRESS LANE ■ PALM SPRINGS, FL 33461
AUGUST 9, 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
Larry Saingilus, Sr. Alternate

ADMINISTRATION

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

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

ROLL CALL

Chairman Johnnie Tieche
Vice Chairman Richard Hughes
Ralph Lashells
Peter Braun
Kim Gehrman
Larry Saingilus, Sr. Alternate
Vacancy, Jr. Alternate

PZ&B Director, Iramis Cabrera
Village Attorney, Susan Garrett
Deputy Village Clerk, Jane R. Worth

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.

ADDITIONS, DELETIONS OR MODIFICATIONS TO THE AGENDA

APPROVAL OF MINUTES

2. **Minutes:** Approval of July 9, 2022 Planning and Zoning Advisory Board Meeting Minutes

ORDER OF BUSINESS

REGULAR AGENDA

PUBLIC HEARINGS

3. **Ordinance No. 2022-07 - Comprehensive Plan Amendment - Tenth Avenue Incubator Overlay:** Motion to approve Ordinance No. 2022-07; an ordinance of the Village of Palm Springs, Florida, amending the Comprehensive Plan of the Village of Palm Springs, in accordance with the local government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161, et. Seq., Florida Statutes, Amending the Text of the Village's future land use element of the Comprehensive Plan to create the "Tenth Avenue Incubator Overlay", providing for transmittal to the Florida Department of Economic Opportunity repeal of all Ordinances in Conflict.
Staff: Iramis Cabrera, PZB Director
4. **Ordinance No. 2022-08 - Village Code Amendment - Chapter 34 - Tenth Avenue Incubator Overlay:** Motion to approve Ordinance No. 2022-08; an Ordinance of the Village of Palm Springs, Florida, amending the Village Code of Ordinances at Chapter 34 "Land Development", Article VI "Land Use", Division 7 "Supplemental District Regulations", to establish provisions of a new Subdivision XI, "Tenth Avenue Incubator Overlay (TAIO)", specifically Sections 34-1090 – 34-1099; to provide incentives for redevelopment located generally located north of 10th Avenue North, between Palm Drive and South Florida Mango Road.
Staff: Iramis Cabrera, PZB Director

OTHER BUSINESS

5. **Discussion:** Hearing Decorum
Staff: Iramis Cabrera, PZB Director

ADJOURNMENT

**NEXT MEETING
SEPTEMBER 13, 2022 @ 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. 8419

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. 8421



**PLANNING AND ZONING ADVISORY BOARD MEETING
MINUTES, COUNCIL CHAMBERS
226 CYPRESS LANE
VILLAGE OF PALM SPRINGS, FLORIDA
JULY 12, 2022 AT 6:30 PM**

CALL TO ORDER

Chairman Johnnie Tieche called the Planning & Zoning Meeting to Order at 6:31 p.m.

ROLL CALL

ADDITIONS, DELETIONS OR MODIFICATIONS TO THE AGENDA

The Board Chair, Mr. Tieche, asked if there were any changes to the agenda. Staff requested that Item #2, Approval of the March 8, 2022, Planning & Zoning Board Meeting Minutes, be removed.

Mr. Hughes made a motion to Approve the Agenda as Amended. Mr. Braun seconded the motion. The said motion carried 5-0.

APPROVAL OF MINUTES

- 1. Approval of February 8, 2022 Minutes of the Planning and Zoning Board Meeting**
Staff: Jane Worth, Deputy Village Clerk
- 2. Approval of March 8, 2022 Planning and Zoning Board Meeting Minutes**
Staff: Jane Worth, Deputy Village Clerk

ORDER OF BUSINESS

REGULAR AGENDA

PUBLIC HEARINGS

- 3. Resolution No. 2022-13 - Site Plan Amendment (SPR22-06) and Special Exception Use (PSSE22-03) - Triomphe Restaurant, Lounge & Banquet Hall, LLC - 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 feet of retail-office space into a restaurant located on a 4.25-acre parcel that is located at 4236 Lake Worth Road. The proposed tenant will be occupying two (2) tenant bays within the existing 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 of building area within two (2) commercial structures.

Previously, the applicant requested a special exception to allow a restaurant use with a private club and also requested a relief from the Code 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 and the allowance to operate later than 11:00 pm on premises located within 54 feet from a residential district rather than the required 250 feet.

The Planning and Zoning Board considered that application during their March 8, 2022 meeting and recommended denial. The Board's concerns included illegal operations without proper approval, serving alcoholic beverages without proper licenses, inconsistency with residential uses surrounding the property, noise to be generated, and extended hours of operations. The applicant requested their item be postponed at the April 14, 2022, Village Council meeting to revise the application.

The applicant has removed the special exception request for private club use and withdrew the two requested variances on May 17, 2022. This newly revised application is for the special exception and site plan amendment required for the proposed restaurant use.

A restaurant is permissible as a special exception in the CG district with Village Council approval. If the special exception is approved, it is valid as long as it remains in operation. The approved use will 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.

The Planning, Zoning, & Building Staff (and CRA Staff) do object to the proposed special exception use and site plan amendment and recommend denial of the proposed request considering that the applicant's justification statement describes that the expanded seating capacity of the restaurant will provide "a location for weddings, funerals, birthdays," and the floor plan provides for a large (33'x15') raised floor for live entertainment, thus the proposal continues to have the characteristics of a Banquet Hall. The staff is concerned about incompatibilities with the adjacent residential uses and ongoing complaints that will divert Code and Police attention from the focus on eliminating blight and enhancing safety.

Staff notes that the applicant has operated illegally without a Village-issued Certificate of Occupancy, reports of the business serving alcohol without proper credentials and with minors present, construction work done without building permits, and complaints received about loud music on weekend nights.

The Village Clerk, Ms. Wynn, swore in the Applicant, and staff (Applicant, Mr. Scott Ehrenberg, Assistant Village Manager, Kim Glas-Castro, Planner, Rogelio Perez, Director of Planning, Building, and Zoning, Iramis Cabrera). Chairman Tieche asked the Board if there was any ex parte communication; there was none.

Mr. Perez gave the staff's presentation.

Mrs. Glas-Castro explained the reasons the Community Redevelopment Agency (CRA)

recommended denial of the Triomphe Restaurant, Lounge & Banquet project. She stated that the property is within the CRA Corridor Lake Worth District. She said the business did not meet the objectives of the CRA as a viable contribution to the community.

The Applicant, Mr. Ehrenberg, presented his testimony. He stated that he removed his Special Exception request. He also noted that he sought approval to change his request to use the establishment as a Restaurant from a Banquet Hall. He acknowledged that the tenant may not have followed the proper procedures in the beginning, but they intend to follow them. Mr. Ehrenberg said he was not able to receive a police report about the numerous alleged disturbance calls. He also talked about the underage drinking that was mentioned at a previous meeting. The property owner, Mr. Michael Jawloski, interjected at this point. He discussed the challenges he and his tenants ran into with getting permits from the Village. The Village Attorney, Ms. Garrett, advised Mr. Jakowski that he needed to be sworn in. Mr. Jawloski was sworn in by the Village Clerk.

Chairman Tieche opened the meeting for Board discussion. The Board commented on the tenant's inability to comply with Village Ordinances. The tenant had a pattern of not following procedure and creating a nuisance. The Board asked if they were the same owners of a business on Forest Hill Road and Congress Avenue. Mr. Ehrenberg was not aware if they were related; however, the tenants answered (sidebar) that they were not the same owners. The Board asked about the tenant not having a certificate of occupancy and not having an alcohol license.

Mr. Jakowski once again interjected. He offered his opinion of what the challenges were and suggested there may be a language barrier. He recalled the same night his tenant was denied their restaurant, the Village approved a Spanish restaurant that was located nearby. He suggested that there was preferential treatment given. Mr. Saingilus rebutted the suggestion and explained that the objective of the Village is to make sure things are done properly.

Chairman Tieche questioned the capacity at the location, the grease trap, and the capability to cook for one hundred sixty-six (176) people. There was discussion about the dining arrangements and the availability of space. Further discussion ensued among the Board members about the woes of the project.

Chairman Tieche opened the meeting up for Public Comment.

Mr. Jakowski explained there was no reason to deny the project. There were no police reports, the food trucks were in compliance, in addition to the bathroom.

Chairman Tieche explained that the Planning & Zoning Board made recommendations to forward to the Council for consideration. The Council decides to approve or deny the Site Plan Amendment.

Vice Chair Hughes made a motion to deny Resolution No. 2022-13. Mr. LaShells seconded the motion. The said motion carried 6-0.

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.

OTHER BUSINESS

Ms. Cabrera reminded the Planning & Zoning Board to let her know if they were attending the Planning Workshop on August 4, 2022. Please send an email as soon as possible.

ADJOURNMENT

Hearing no further business, Chairman Tieche adjourned the meeting at 7:25 p.m.

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 held on **July 12, 2022**. Which minutes were formally approved and adopted by the Planning and Zoning Advisory Board on **August 9, 2022**.

Jane R. Worth, Deputy Village Clerk

**NEXT REGULAR MEETING:
TUESDAY, AUGUST 9, 2022 @ 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.



Village of Palm Springs

Staff Report

AGENDA DATE: August 9, 2022

DEPARTMENT: Planning, Zoning & Building

ITEM #3: Ordinance No. 2022-07 - Comprehensive Plan Amendment - Tenth Avenue Incubator Overlay

SUMMARY: The Planning, Zoning & Building Department (PZ&B) is proposing text amendments to the Future Land-Use Element to establish a Tenth Avenue Incubator Overlay (TAIO) in an effort to encourage innovative development/redevelopment along 10th Avenue North with uses that are commercial and/or light industrial in nature, designated in a manner that is sensitive to adjacent residential neighborhoods, and create an aesthetic corridor identity.

The allowances of the TAIO shall only be applicable to Commercial General (CG) zoned properties fronting Tenth (10th) Avenue, generally located north of 10th Avenue North, between Palm Drive and South Florida Mango Road. The objective of the TAIO would be to promote the redevelopment of the properties by creating a distinct character and identity.

Development in the TAIO shall utilize a harmonious and compatible architectural style. All uses permitted within the CG zoning district are permissible in the TAIO, considering the design elements and development standards outlined in the Village Land Development Regulations for the TAIO.

Projects that comply with the requirements of the TAIO may be approved in accordance with the Land Development Regulations so long as such Incubator Uses do not generate dust or create a noise nuisance, are not obnoxious in nature, and are compatible with adjacent residential uses.

Rather than consider land-use changes on a parcel-by-parcel basis, which leads to concerns about compatibility and "spot zoning", an overlay approach is proposed to permit innovative designs in exchange for design and uses considerations.

The proposed TAIO (land development regulations and design requirements) was initially drafted by the property owner and was discussed with the PZ&B Director, the Assistant Village Manager, and the Village Manager. Staff has proposed various revisions to the property owner's suggested land development regulations and is moving forward as a staff-initiated effort.

The proposed Tenth Avenue Incubator Overlay provides the following:

- The buildings shall be designed in a manner with a harmonious architectural style with allowances for variations in color and design, to establish an identity for the unified planned development.
- The building façade(s) facing 10th Avenue North should be designed in a manner to resemble an office, retail or showroom building.

- Bay doors shall be screened from adjacent residential uses and bay doors shall not face adjacent streets.
- Manufacturing and assembly portions of the design shall be conducted inside the principal structure(s), and activities shall be conducted within a climate-controlled environment, to the greatest extent practicable, to prevent external noise, vibrations, dust, odor and other conditions.

The proposed TAIO encompasses 4 parcels and a total of 8.6075 acres. The area is designated in the Commercial Land Use category.

The proposed comprehensive plan amendment was submitted through the PBC Intergovernmental Plan Amendment Committee (IPARC) for intergovernmental review and no comments were received.

Note: Notifications were mailed to all property owners abutting the TAIO on July 19, 2022.

The Local Planning Agency (LPA) will consider the proposed Comprehensive Plan Text Amendment during their meeting on September, 2022 and their recommendation will be shared with the Village Council.

The proposed ordinance was prepared by the Planning, Zoning & Building Director and reviewed by the Assistant Village Manager and by the Village Attorney.

FISCAL IMPACT:

Amending the Comprehensive Plan to create a new overlay does not have a fiscal impact; however, redevelopment utilizing allowances under this new overlay district is expected to increase the Village's property tax revenue.

ATTACHMENTS:

1. Proposed Ord No. 2022-07 Text Amendment - Comprehensive Plan - TAIO
2. Exhibit "A" - TAIO - Comprehensive Plan Amendment
3. Public Hearing Notification - Village of Palm Springs

ORDINANCE NO. 2022-07

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE VILLAGE OF PALM SPRINGS, IN ACCORDANCE WITH THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT, SECTIONS 163.3161, ET. SEQ., FLORIDA STATUTES, AS AMENDED, AMENDING THE TEXT OF THE VILLAGE'S FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN TO CREATE THE "TENTH AVENUE INCUBATOR OVERLAY", PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY REPEAL OF ALL ORDINANCES IN CONFLICT, SEVERABILITY; AN EFFECTIVE DATE; AND, FOR OTHER PURPOSES.

WHEREAS, the Village Council ("Council") of the Village of Palm Springs, Florida ("Village") has adopted a Comprehensive Plan ("Plan") pursuant to the "Local Government Comprehensive Planning and Land Development Regulation Act"; and

WHEREAS, the Village's Plan has been determined to be in compliance with the provisions of the Act and Rule 9J-5 of the Florida Administrative Code; and

WHEREAS, the Village desires to create a "Tenth Avenue Incubator Overlay" in the Future Land Use Element of the Comprehensive Plan in order to promote the redevelopment of the commercial properties located on the northwest corner of 10th Avenue North and Florida Mango Road; and

WHEREAS, pursuant to Chapter 163, Florida Statutes, and Rule 9J-5, Florida Administrative Code, all subsequent amendments to the Plan must be adopted in accordance with detailed statutory procedures; and

WHEREAS, the Village's Local Planning Agency ("LPA") has considered the proposed amendments at a duly advertised meeting and has recommended that the Council adopt the Plan Amendments as set forth in the attached Exhibit "A"; and

WHEREAS, the Village has held all required public hearings, both prior to transmittal and submission of the proposed amendments to the Plan to the Florida Department of Economic Opportunity and after the proposed amendments to the Plan were returned to the Village of Palm Springs, in accordance with Chapter 163, Florida Statutes

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA:

Section 1. The Village Council of the Village of Palm Springs, Florida hereby amends the current Comprehensive Plan dated January 11, 2018, as amended, to create the "Tenth

Avenue Incubator Overlay” in the Future Land Use Element, which amendment consists of the pages attached hereto as Exhibit “A” and made a part hereof, and which will be incorporated into the current Comprehensive Plan. A copy of the Comprehensive Plan, as amended, is on file in the office of the Village Clerk.

Section 2. This Ordinance shall be effective within the corporate limits of the Village of Palm Springs, Florida.

Section 3. The Village Clerk is hereby directed to transmit the comprehensive plan amendment documents to the Department of Economic Opportunity and other agencies within ten (10) working days, in accordance with Section 163.3184, Florida Statutes.

Section 4. Repeal of Conflicting Ordinances. All Ordinances, Resolutions or parts of Ordinances and Resolutions in conflict herewith are hereby repealed.

Section 5. Severability. If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this ordinance.

Section 6. Effective Date. The effective date of this Plan Amendment shall be in accordance with Section 163.3184, Florida Statutes; however, not later than thirty-one (31) days after the State Land Planning Agency has received the completed Amendment package. No development order, development permits, or land uses dependent on this Amendment may be issued or commenced before the Amendment has become effective.

Council Member _____, offered the foregoing Ordinance, and moved its adoption. The motion was seconded by Council Member _____, and upon being put to a vote, the vote was as follows:

Ordinance No. 2022-07 Text Amendment to Create the "Tenth Avenue Incubator Overlay"

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
BEV SMITH, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DOUG GUNTHER, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JONI BRINKMAN, MAYOR PRO TEM	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PATTI WALLER, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GARY READY, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The Mayor thereupon declared this Ordinance approved and adopted by the Village Council of the Village of Palm Springs, Florida, on second reading, the ____ day of _____, 2022.

VILLAGE OF PALM SPRINGS, FLORIDA

BY: _____
BEV SMITH, MAYOR

First Reading: _____

Second Reading: _____

ATTEST:

BY: _____
KIMBERLY M. WYNN, CMC, VILLAGE CLERK

REVIEWED FOR LEGAL FORM AND SUFFICIENCY

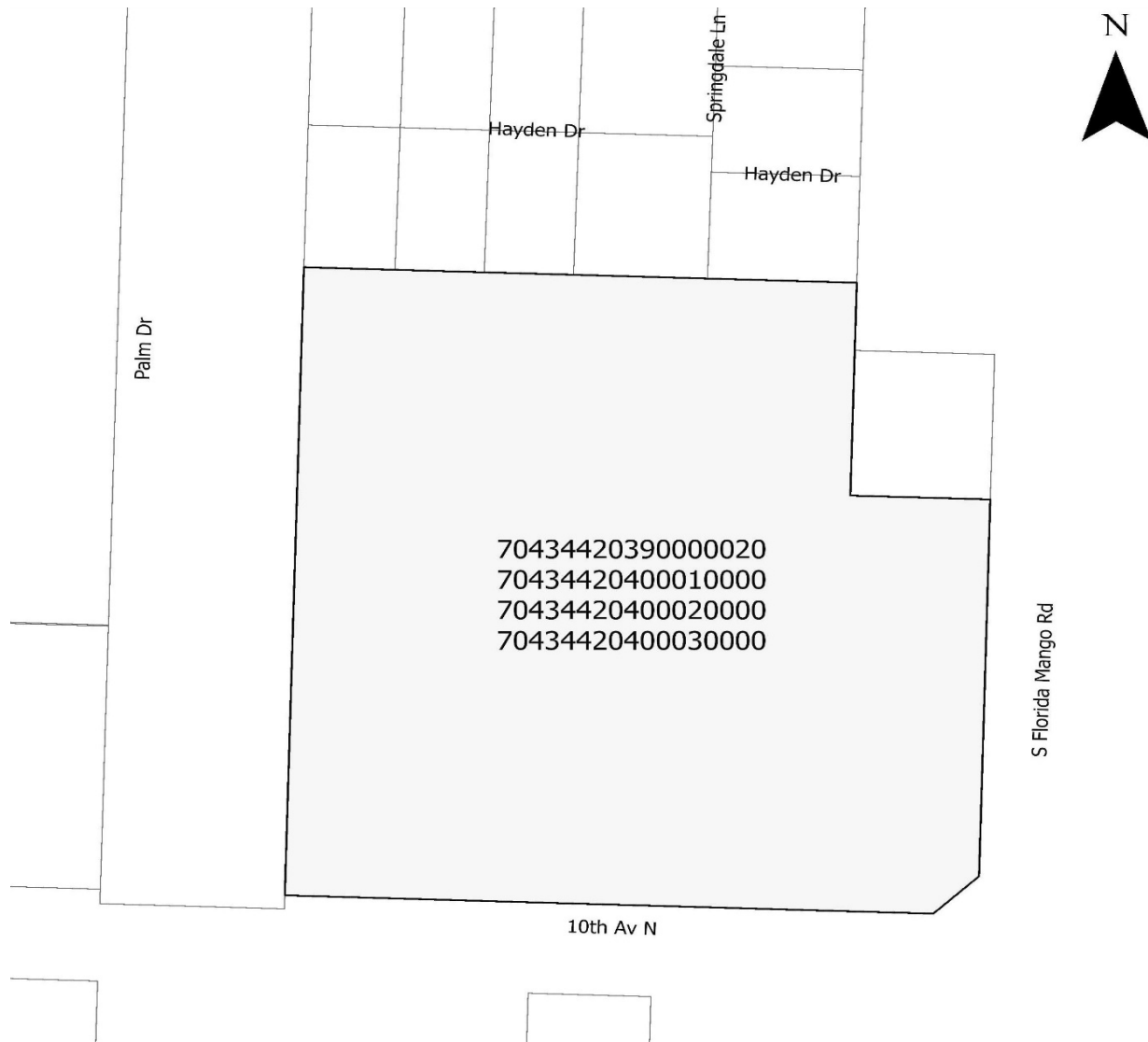
BY: _____
GLEN J. TORCIVIA, VILLAGE ATTORNEY

Tenth Avenue Incubator Overlay

Future Land Use Element

Objective T: A Tenth Avenue Incubator Overlay (“TAIO”) shall be maintained in the Village’s Land Development Regulations in order to encourage innovative development/redevelopment along 10th Avenue North with uses that are commercial and/or light industrial in nature, designed in a manner that is sensitive to adjacent residential neighborhoods, and create an aesthetic corridor identity.

The allowances of the TAIO shall only be applicable to Commercial General (CG) zoned properties fronting Tenth (10th) Avenue, generally located north of 10th Avenue North, between Palm Drive and S. Florida Mango Road, as depicted on Map T-1:



Map T-1

Policy T.1: Development in the TAIO shall utilize a harmonious and compatible architectural style. All uses permitted within the CG zoning district are permissible in the TAIO, in consideration of the design elements and development standards outlined in the Village Lands Development Regulations for the TAIO.

Policy T.2: Projects that comply with the requirements of the TAIO may be approved in accordance with the Land Development Regulations so long as such Incubator Uses do not generate dust or create a noise nuisance, and are not obnoxious in nature, and are compatible with adjacent residential uses.



PUBLIC HEARING NOTICE

Notice is hereby given that public hearings will be held on:

Tuesday, August 9, 2022 at 6:30 p.m. by Planning & Zoning Board

Thursday, September 8, 2022 at 6:30 p.m. by Local Planning Agency

Thursday, September 8, 2022 at 6:30 p.m. by the Village Council, after LPA

Meeting

In the Village Hall Council Chambers at 226 Cypress Lane, Palm Springs, FL 33461 to consider:

Comprehensive Plan (Text) Amendment and Land Development Regulations Amendment

Village-initiated amendments to establish a Tenth Avenue Incubator Overlay. The intent of the Tenth Avenue Incubator Overlay ("TAIO") is to encourage innovative development/redevelopment along 10th Avenue North with uses that are commercial and/or light industrial in nature, designed in a manner that is sensitive to adjacent residential neighborhoods, and create an aesthetic corridor identity.

The allowances of the TAIO shall only be applicable to Commercial General (CG) zoned properties fronting Tenth (10th) Avenue, generally located north of 10th Avenue North, between Palm Drive and South Florida Mango Road.

Development in the TAIO shall utilize a harmonious and compatible architectural style. All uses permitted within the CG zoning district are permissible in the TAIO, in consideration of the design elements and development standards outlined in the Village Lands Development Regulations for the TAIO.

Projects that comply with the requirements of the TAIO may be approved in accordance with the Land Development Regulations so long as such Incubator Uses do not generate dust or create a noise nuisance, and are not obnoxious in nature, and are compatible with adjacent residential uses.

The proposed TAIO encompasses 4 parcels and a total of 8.6075 acres (see map). The area is designated with the Commercial Land Use category.

All persons interested in these matters may appear at the times and place aforesaid and be

heard. Prior to the meeting the application may be reviewed at the Village Clerk's Office.

If a person decides to appeal any decision made by the above Boards with respect to any matter considered at such hearings, he or she will need a record of the proceedings, and for such purpose 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 to attend or participate in this meeting should contact the Village Clerk at (561) 584-8200 at least three (3) days prior to the meeting to request such assistance.

VILLAGE OF PALM SPRINGS, FLORIDA

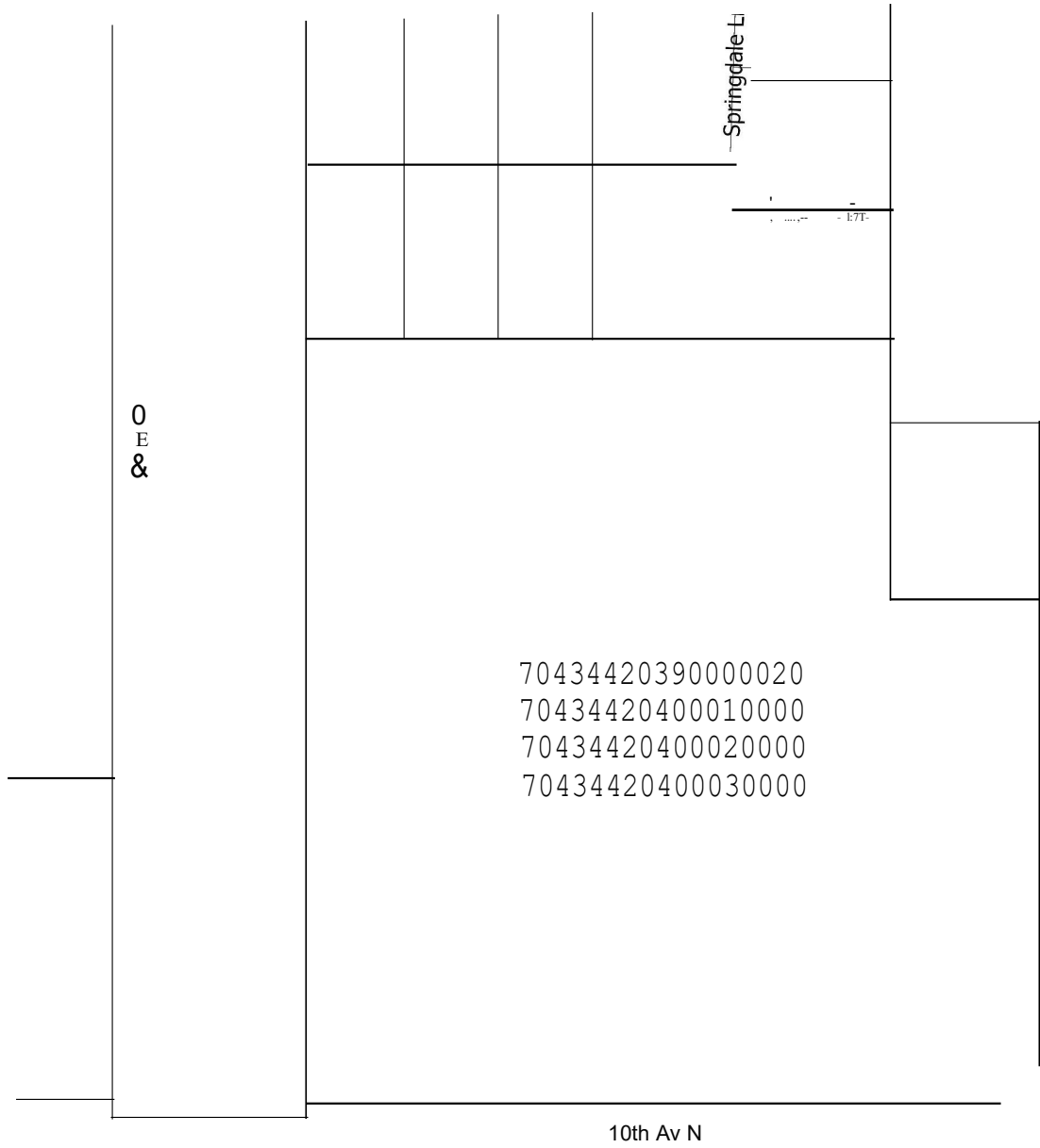
Kimberly M. Wynn, Village Clerk

Publish: Lake Worth Herald

July 28, 2022 and August 25, 2022

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City of
Springdale
Planning
Department



Village of Palm Springs

Staff Report

AGENDA DATE: August 9, 2022

DEPARTMENT: Planning, Zoning & Building

ITEM #4: Ordinance No. 2022-08 - Village Code Amendment - Chapter 34 - Tenth Avenue Incubator Overlay

SUMMARY: The Planning, Zoning & Building Department is proposing amendments to the Land Development Regulations to establish a Tenth Avenue Incubator Overlay (TAIO) within a new Subdivision XI in an effort to encourage innovative development/redevelopment along 10th Avenue North with uses that are commercial and/or light industrial in nature, designated in a manner that is sensitive to adjacent residential neighborhoods, and create an aesthetic corridor identity.

The allowances of the TAIO shall only be applicable to Commercial General (CG) zoned properties fronting Tenth (10th) Avenue, generally located north of 10th Avenue North, between Palm Drive and South Florida Mango Road. The objective of the TAIO would be to promote the redevelopment of the properties by creating a distinct character and identity.

Development in the TAIO shall utilize a harmonious and compatible architectural style. All uses permitted within the CG zoning district are permissible in the TAIO, in consideration of the design elements and development standards outlined in the Village Lands Development Regulations for the TAIO.

Projects that comply with the requirements of the TAIO may be approved in accordance with the Land Development Regulations so long as such Incubator Uses do not generate dust, or create a noise nuisance, and is not obnoxious in nature, and is compatible with adjacent residential uses.

Rather than consider land-use changes on a parcel-by-parcel basis, which leads to concerns about compatibility and "spot zoning", an overlay approach is proposed to be utilized to permit innovative designs in exchange for design and uses considerations.

The proposed TAIO (land development regulations and design requirements) was initially drafted by the property owner and was discussed with the Planning, Zoning, and Building Director, the Assistant Village Manager, and the Village Manager. Staff has proposed various revisions to the property owner's suggested land development regulations and is moving forward as a staff-initiated effort.

The proposed Tenth Avenue Incubator Overlay provides the following:

- The buildings shall be designed in a manner with a harmonious architectural style with allowances for variations in color and design, to establish an identity for the unified planned development.

- The building façade(s) facing 10th Avenue North should be designed in a manner to resemble an office, retail, or showroom building.
- Bay doors shall be screened from adjacent residential uses and bay doors shall not face adjacent streets.
- Manufacturing and assembly portions of the design shall be conducted inside the principal structure(s), and activities shall be conducted within a climate-controlled environment, to the greatest extent practicable, to prevent external noise, vibrations, dust, odor, and other conditions.

The proposed TAIO encompasses four (4) parcels and a total of 8.6075 acres. The area is designated in the Commercial Land-Use category.

Note: Notifications were mailed to all property owners abutting the TAIO on July 19, 2022.

The proposed ordinance was prepared by the Planning, Zoning & Building Director and reviewed by the Assistant Village Manager and by the Village Attorney.

FISCAL IMPACT:

Amending the Land Development Regulations to create a new overlay does not have a fiscal impact; however, redevelopment utilizing allowances under this new overlay district is expected to increase the Village's property tax revenue.

ATTACHMENTS:

1. Proposed Ordinance No. 2022-08 - Tenth Avenue Incubator Overlay - TAIO
2. Public Hearing Notification - Village of Palm Springs

ORDINANCE NO. 2022-08

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE VILLAGE CODE OF ORDINANCES AT CHAPTER 34 “LAND DEVELOPMENT”, ARTICLE VI “LAND USE”, DIVISION 7 “SUPPLEMENTAL DISTRICT REGULATIONS”, TO ESTABLISH PROVISIONS OF A NEW SUBDIVISION XI, “TENTH AVENUE INCUBATOR OVERLAY”, SPECIFICALLY SECTIONS 34-1090 – 34-1099; TO PROVIDE INCENTIVES FOR REDEVELOPMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village currently has regulations in place at Chapter 34 of the Village Code of Ordinances regarding development or improvements of land; and

WHEREAS, the Village desires to amend the existing regulations to provide incentives for redevelopment of the commercial properties located on the northwest corner of 10th Avenue North and Florida Mango; and

WHEREAS, the Village finds that providing special development regulations for the redevelopment of high-quality uses that are commercial in nature complementary to the adjacent neighborhoods, incorporating a harmonious architectural style with variations and compatible design to establish a neighborhood identity, and

WHEREAS, the Village finds making amendments to existing land development regulations to establish standards to encourage redevelopment in the commercial properties serves a valid public purpose.

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA:

Section 1. The foregoing recitals are incorporated herein as true and correct findings of fact of the Village Council, and serve as a basis for adoption of this Ordinance.

Section 2. Chapter 34 “Land Development”, Article VI “Land Use”, Division 7 “Supplemental District Regulations”, Subdivision XI “Tenth Avenue Incubator Overlay” with Sections 34-1090 – 34-1099 is hereby enacted to read as follows:

NEW SUBDIVISION XI. – TENTH AVENUE INCUBATOR OVERLAY

Sec. 34-1090. – Tenth Avenue Incubator Overlay.

This article establishes an overlay to be known as the Tenth Avenue Incubator Overlay (“TAIO”) which is applicable to CG Zoned properties on the north side of 10th Avenue North between Palm Road and S. Florida Mango Road, as shown on Map T-1 in the future land use element of the comprehensive plan.

Sec. 34-1091 – Purpose and Intent.

The intent of the TAIO is to provide special development regulations for the development and redevelopment of high-quality uses that are commercial in nature at an intensity, scale and mass complementary to the adjacent neighborhoods, incorporating a harmonious architectural style with variations and compatible design to establish a neighborhood identity.

Sec. 34-1092- Applicability.

Compliance with these regulations is applicable on an “opt in” basis to all development and redevelopment within the TAIO. Development projects that elect to comply with the development standards outlined in section 34-1099 will become eligible for the Incubator Uses outlined in section 34-1094. Development projects that do not comply with the standards set forth in section 34-1099 must comply with the CG district and all other applicable development standards and will not be eligible for Incubator Uses.

Development projects that elect to comply with the development standards outlined in section 34-1099 shall comply with the provisions of Subdivision IX, Planned Developments and shall be governed under a unified development plan, common design requirements, Village-approved development order, and unified control to ensure compliance with operational conditions, restrictions and allowances afforded by the TAIO.

In addition to the regulations specified herein for the TAIO, all lot and building requirements of the underlying CG zoning district and all other applicable standards in these land development regulations shall apply. Where there is a conflict between the TAIO standards and other land development regulations, the TAIO standards shall apply.

Sec. 34-1093 – Definitions.

Any term not defined herein shall keep the same meaning as found in Section 1-2.

Incubator Use: Incubator uses shall include heavier commercial uses and light industrial uses, which means a business which assembles, processes, treats, compounds or packages goods or significant amounts of raw materials. Light industrial uses include "high technology industries."

Sec. 34-1094 – Permitted Uses.

Permitted uses within the TAIO shall be limited to the following:

- (1) All uses permitted within CG;
- (2) All special exception uses within CG (subject to the Sec. 34-607);
- (3) Incubator Uses, subject to compliance with development standards enumerated in Section 34-1099, Incubator Use Development Standards; and/or
- (4) A combination thereof.

Sec. 34-1095 – Accessory Uses.

Accessory uses permitted in the TAIO shall only include any accessory use customarily incidental and subordinate to the permitted uses. All outdoor storage shall be specifically delineated on the approved site plan and in accordance with Section 34-828. – Supplemental Regulations.

Sec. 34-109.6 – Prohibited Uses.

The following uses shall be specifically prohibited in the TAIO:

- (1) Any use not specifically or provisionally permitted.
- (2) Any use which creates a noticeable amount of noise, dust, odor, smoke, gas, fumes, heat, humidity, glare, excessive light, and/or vibration outside of the building in which the activity takes place.
- (3) Any use which generates objectionable types of truck traffic or creates unusual traffic hazards or congestion due to the type of trucks required by or attached to the use.

Sec. 34-1097 – Compatibility with Comprehensive Plan

Light Industrial uses permitted under the definition of Incubator Uses and uses permitted within Sec. 34-1094 Permitted Uses, as well as Sec. 34-1095 Accessory Uses, shall be deemed compatible with the adjacent residential neighborhoods, subject to compliance with the Sec.34-1099. - Incubator Use Development Standards.

Sec. 34-1098 – Approval Criteria.

The following standards shall be met by all applicants for development approval within the TAIO:

- (1) The proposed TAIO project is consistent with the goals, objectives, and policies of the village's comprehensive plan;
- (2) The proposed TAIO project is consistent with the land development and zoning regulations and all other portions of the Code;
- (3) The proposed TAIO project is compatible with the character and use (existing and future) of the surrounding properties in its function, hours of operation, type and amount of traffic to be generated, building locations, mass, height and setback, and other relevant factors peculiar to the proposed TAIO project and the surrounding property.
- (4) That the proposed TAIO project:
 - a. Does not significantly reduce light and air to adjacent properties.
 - b. Does not adversely affect property values in adjacent areas.
 - c. Would not be a deterrent to the improvement, development, or redevelopment of surrounding properties in accord with existing regulations.
 - d. Does not negatively impact adjacent natural systems or public facilities, including parks and open spaces.
 - e. Does not adversely affect population densities, light, air, and natural resources, including native ecosystems.
- (5) The TAIO project would enhance and/or promote redevelopment of the village, fulfill redevelopment objectives, and/or have a positive economic impact on the village, including creating new jobs and economic growth.
- (6) The TAIO project will not adversely affect the public health, safety, comfort, convenience, order, appearance, general welfare and the tax base.

Sec. 34-1099 - Incubator Use Development Standards.

The following property development regulations shall be in effect for the TAIO:

- (1) Architectural Style and Design Guidelines (whether single or multi-tenant)
 - a. The buildings shall be designed in a manner with a harmonious architectural style with allowances for variations in color and design, to establish an identity for the unified planned development.
 - b. The building façade(s) facing 10th Avenue North shall be designed in a manner to resemble an office, retail or showroom building.
 - c. Bay doors shall be screened from adjacent residential uses and bay doors shall not face adjacent streets.

- d. Manufacturing and assembly portions of design shall be conducted inside the principal structure(s), and activities shall be conducted within a climate-controlled environment, to the greatest extent practicable, to prevent external noise, vibrations, dust, odor and other conditions.
- (2) Setbacks and Building Separation
 - a. Minimum front yard: 10 feet
 - b. Minimum rear yard: 10 feet
 - c. Minimum side yard (interior): 10 feet
 - d. Minimum side yard (corner): 10 feet
 - e. Where residential uses are adjacent to side yards and rear yards, there shall be a minimum 30-foot setback with a 8 ft. high masonry wall within the landscape buffer.
 - f. As a planned development, the setbacks shall be measured from the exterior TAIO boundary. Building separation requirements shall be determined by the minimum Fire Code regulations.
 - (3) Building height maximum of 60 feet to the top of beam of the fourth floor. Four stories maximum.
 - (4) Building articulation. There shall be variation in the building façade of the buildings. Building design guidelines of Sec. 34-1366 shall apply.
 - (5) The site shall be designed utilizing the principals of Crime Prevention Through Environmental Design (CPTED) including, but not limited to:
 - a. Design site to increase pedestrian and bicycle traffic adjacent to 10th Avenue North and provide cross access between properties where appropriate.
 - b. Windows provided overlooking walkways, driveways, and parking areas.
 - c. Design landscapes which enable site surveillance from adjacent rights-of-way.
 - d. Design perimeter fencing and walls to enable site surveillance from adjacent rights-of-way.
 - e. Design site lighting to ensure that potential problem areas well-lit such as pathways, entrances/exits, parking areas, public spaces, mailboxes, play areas, dumpsters, etc. ensure that light levels are appropriate and are not too bright thus creating glare or deep shadows.
 - (6) Sidewalks and concrete pathways shall connect to each other and to community spaces as well as the public rights-of-way for pedestrian safety.
 - (7) Property development regulations of the CG zoning district contained in Section 34-826 remain applicable except as provided herein.
 - (8) Landscaping shall be in accordance with article III.
 - (9) Supplemental regulations shall be as set forth in division 7 of this article.
 - (10) Off-street parking and loading shall comply with division 8 of this article.

Secs. 34-1100 – 34-1110. – Reserved.

Renumber existing Subdivision XI to XII and all subsequent subdivisions accordingly.

Section 3. **Codification.** The ordinance shall be codified in the Code of Ordinances of the Village of Palm Springs, Florida.

Section 4. **Repeal of Conflicting Ordinances.** All Ordinances, Resolutions or parts of Ordinances and Resolutions in conflict herewith are hereby repealed.

Section 5. **Severability.** If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or

inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

Section 6. Effective Date. This Ordinance shall become effective immediately upon adoption.

Council Member _____, offered the foregoing Ordinance, and moved its adoption. The motion was seconded by Council Member _____, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
BEV SMITH, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DOUG GUNTHER, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JONI BRINKMAN, MAYOR PRO TEM	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PATTI WALLER, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GARY READY, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The Mayor thereupon declared this Ordinance approved and adopted by the Village Council of the Village of Palm Springs, Florida, on second reading, the ___ day of _____, 2022.

VILLAGE OF PALM SPRINGS, FLORIDA

BY: _____
BEV SMITH, MAYOR

First Reading: _____

Second Reading: _____

ATTEST:

BY: _____
KIMBERLY M. WYNN, CMC, VILLAGE CLERK

REVIEWED FOR LEGAL FORM AND SUFFICIENCY

BY: _____
GLEN J. TORCIVIA, VILLAGE ATTORNEY



PUBLIC HEARING NOTICE

Notice is hereby given that public hearings will be held on:

Tuesday, August 9, 2022 at 6:30 p.m. by Planning & Zoning Board

Thursday, September 8, 2022 at 6:30 p.m. by Local Planning Agency

Thursday, September 8, 2022 at 6:30 p.m. by the Village Council, after LPA

Meeting

In the Village Hall Council Chambers at 226 Cypress Lane, Palm Springs, FL 33461 to consider:

Comprehensive Plan (Text) Amendment and Land Development Regulations Amendment

Village-initiated amendments to establish a Tenth Avenue Incubator Overlay. The intent of the Tenth Avenue Incubator Overlay ("TAIO") is to encourage innovative development/redevelopment along 10th Avenue North with uses that are commercial and/or light industrial in nature, designed in a manner that is sensitive to adjacent residential neighborhoods, and create an aesthetic corridor identity.

The allowances of the TAIO shall only be applicable to Commercial General (CG) zoned properties fronting Tenth (10th) Avenue, generally located north of 10th Avenue North, between Palm Drive and South Florida Mango Road.

Development in the TAIO shall utilize a harmonious and compatible architectural style. All uses permitted within the CG zoning district are permissible in the TAIO, in consideration of the design elements and development standards outlined in the Village Lands Development Regulations for the TAIO.

Projects that comply with the requirements of the TAIO may be approved in accordance with the Land Development Regulations so long as such Incubator Uses do not generate dust or create a noise nuisance, and are not obnoxious in nature, and are compatible with adjacent residential uses.

The proposed TAIO encompasses 4 parcels and a total of 8.6075 acres (see map). The area is designated with the Commercial Land Use category.

All persons interested in these matters may appear at the times and place aforesaid and be

heard. Prior to the meeting the application may be reviewed at the Village Clerk's Office.

If a person decides to appeal any decision made by the above Boards with respect to any matter considered at such hearings, he or she will need a record of the proceedings, and for such purpose 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 to attend or participate in this meeting should contact the Village Clerk at (561) 584-8200 at least three (3) days prior to the meeting to request such assistance.

VILLAGE OF PALM SPRINGS, FLORIDA

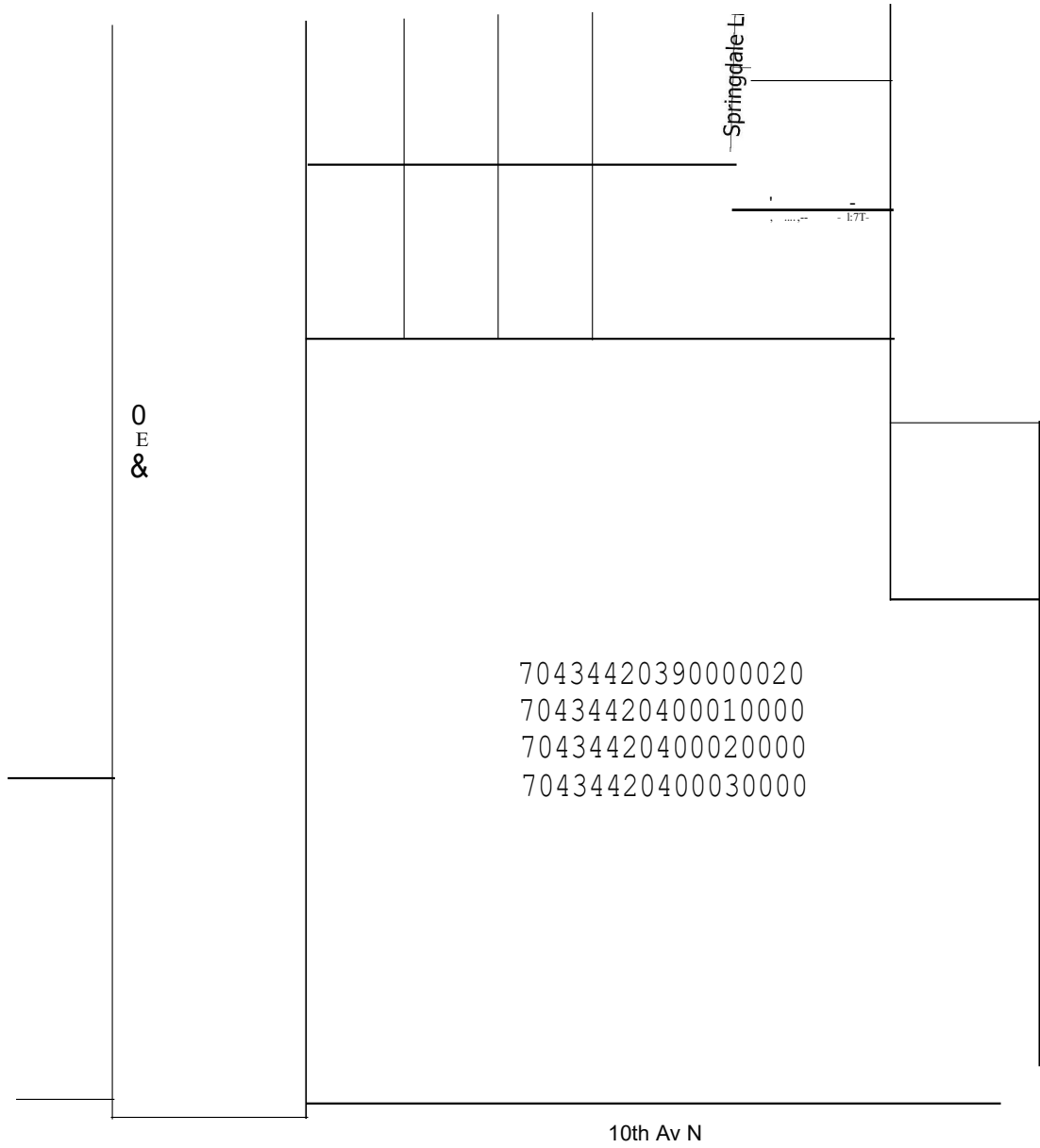
Kimberly M. Wynn, Village Clerk

Publish: Lake Worth Herald

July 28, 2022 and August 25, 2022

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City of
Springdale
Planning
Department