



**AGENDA
LOCAL PLANNING AGENCY MEETING
VILLAGE HALL COUNCIL CHAMBERS
226 CYPRESS LANE
SEPTEMBER 8, 2022
6:30 PM**

COUNCIL

- Mayor Bev Smith
- Vice Mayor Doug Gunther
- Mayor Pro Tem Joni Brinkman
- Council Member Patti Waller
- Council Member Gary Ready

ADMINISTRATION

- Village Manager Michael Bornstein
- Village Clerk Kimberly Wynn
- Village Attorney Glen Torcivia

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 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.

ROLL CALL

CALL TO ORDER

AGENDA

Public Hearing for amending the Comprehensive Land Use Plan by revising the Future Land Use Map and amending the Official Land Development District Zoning Map of the Village by amending and rezoning the following properties in the Village of Palm Springs:

Motion	Second	Vote
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1. **(Quasi-Judicial Hearing) Ordinance No. 2022-07 - Comprehensive Plan Amendment - Tenth Avenue Incubator Overlay:** Recommend for Approval by

Council of Ordinance No. 2022-07; an ordinance of the Village of Palm Springs, 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" (TAIO), providing for transmittal to the Florida Department of Economic Opportunity (DEO).

Staff: Iramis Cabrera, PZB Director

ADJOURNMENT

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



Village of Palm Springs

Executive Brief

AGENDA DATE: September 8, 2022

DEPARTMENT: Planning, Zoning & Building

ITEM #1: Ordinance No. 2022-07 - Comprehensive Plan Amendment - Tenth Avenue Incubator Overlay (TAIO)

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) to encourage innovative development/redevelopment along 10th Avenue North with uses that are commercial and/or light industrial, designated in a manner that is sensitive to adjacent residential neighborhoods, and create an aesthetic corridor identity.

The allowances of the TAIO shall only apply 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 under the Land Development Regulations so long as such Incubator Uses do not generate dust or create a noise nuisance, are not obnoxious, 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 the design and use considerations.

The proposed TAIO (land development regulations and design requirements) was initially drafted by the property owner and discussed with the PZ&B Director, the Assistant Village Manager, and the Village Manager. The 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 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.

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 Planning and Zoning Board considered this application during their August 9, 2022 meeting and recommended approval.

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

The proposed ordinance will be considered for 1st reading by the Village Council during their September 8, 2022 meeting.

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 Ordinance No. 2022-07 - Text Amendment - Comprehensive Plan - Tenth Avenue Incubator Overlay
2. Exhibit "A" - Tenth Avenue Incubator Overlay - 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

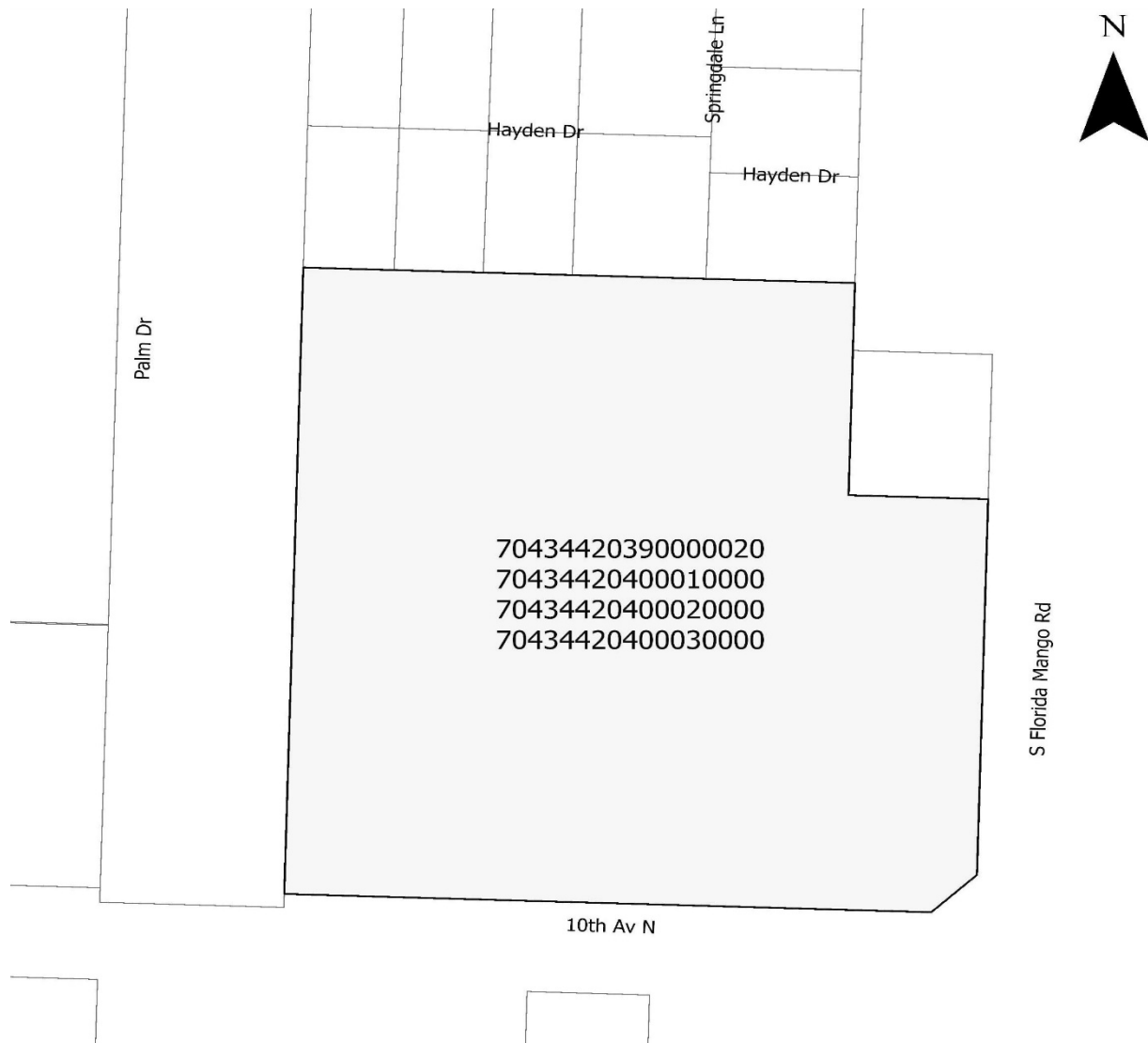
BY: _____
GLEN J. TORCIVIA, VILLAGE ATTORNEY

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

