

Agenda Item No. C - 1

VILLAGE OF ROYAL PALM BEACH
Agenda Item Summary

AGENDA ITEM: Approval of the minutes of the Council Regular Meeting of December 15, 2022.

ISSUE: It is necessary for Village Council to approve all Village Council meeting minutes.

RECOMMENDED ACTION: Motion to Approve

| Initiator | Village Manager Approval | Agenda Date | Village Council Action |
|----------------------|-------------------------------------|------------------------|-----------------------------------|
| Village Clerk | | 01/19/23 | |

**VILLAGE OF ROYAL PALM BEACH
MINUTES OF COUNCIL REGULAR MEETING
VILLAGE MEETING HALL
THURSDAY, DECEMBER 15, 2022
6:30 P.M.**

Ways to Participate

- In Person: Public may participate in person at the Village Meeting Hall, 1050 Royal Palm Beach Boulevard, Royal Palm Beach, FL 33411.
- Computer, Tablet, Smartphone: Public may participate remotely by joining GoToWebinar from your computer, tablet or smartphone via www.royalpalmbeach.com/webmeetings.
- Telephone: Public may listen only via phone remotely by dialing United States +1 (562) 247-8422, Webinar ID: 129-991-987, Access Code: 492-762-485.

PLEDGE OF ALLEGIANCE

ROLL CALL

Mayor Fred Pinto

Vice Mayor Selena Samios – left the meeting 7:10 p.m.

Councilman Jeff Hmara

Councilwoman Jan Rodusky

Councilman Richard Valuntas

All members of the Council were present along with Village Manager, Village Attorney (Keith Davis), Village Attorney (Mitty Barnard) and the Village Clerk.

Mayor Pinto asked and received consensus to move the Reports section to the end of this agenda.

PRESENTATION BY CLINTON FORBES EXECUTIVE DIRECTOR OF PALM TRAN ON PALM TRAN'S BUS SHELTER IMPROVEMENT PROGRAM

Clinton Forbes, Executive Director gave an overview of the Palm Tran System, major projects and future endeavors. Yash Nagal, Interim Director of Planning for Palm Tran gave a presentation on the improved bus shelter program, how to use the Palm Tran App and QR code. Council asked questions and commended their efforts.

PETITIONS – None

STATEMENTS FROM THE PUBLIC ON NON AGENDA ITEMS OR CONSENT AGENDA ITEMS – None

CONSENT AGENDA

The Village Clerk read into the record the Consent Agenda as follows:

1. **Approval of the minutes of the Council Regular Meeting of November 17, 2022. (Village Clerk)**

2. **Approval and authorization, in accordance with established policy, to make a budget amendment for Fund 303 in the fiscal year 2022/2023 Budget. Said amendment to transfer a total of \$28,500 from Playscape Replacement (PR2209) to Artificial Turf Safety Surface (PR2304). (Finance Director)**
3. **Approval and authorization for the Mayor to enter into a Cost Agreement with Main Street at Tuttle Royale, LLC for Tuttle Royale Development Review Cost Recovery for several development applications affecting the Master Tuttle Royale Development. (Village Manager)**
4. **Approval for the purchase and installation of four (4) electronic display signs from Daktronics, Inc. in the amount of \$244,387.71 by piggybacking Sourcewell Contract # 050819 awarded through request for Proposal #050819 and valid through July 8, 2023. The signs to be purchased include two (2) double faced displays for Village Hall and Commons Park and two (2) single faced displays to be located at the Counterpoint entrance and Southern & Royal Palm Beach Boulevard entrance. (Strategic Plan: G-2MIP36). (Director of Parks & Recreation)**
5. **Approval of a Special Event Permit for the Palm Beach Sheriff's Office and Palm Beach Counties Sheriff's Foundation to hold a Kickball Event for employees. The event will take place on Saturday, January 28, 2023 from 6:00 a.m. until 7:00 p.m. at the Bob Marcello Baseball Complex. (Director of P & Z)**
6. **Approval and authorization for the Village Manager to execute Consultant Services Authorization No. 19A with Erdman Anthony to provide Engineering Services for the Crestwood North Park, Project Number PR2102. The cost for said services shall not exceed \$75,602.00. (Village Engineer)**
7. **Approval and authorization for the Village Manager to enter into a Professional Services Agreement for Urban Forestry Services with Cotleur & Hearing for various projects in the Village of Royal Palm Beach. (Director of P & Z)**

Vice Mayor Samios made a motion to approve the Consent Agenda; seconded by Councilman Valuntas. Hearing no discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

REGULAR AGENDA

1. **Public hearing to consider Variance Application No. 22-51 (VAR), an application by Stuart Titley, the applicant is requesting a Variance from sections 26-57 and 26-79 to allow for a reduced rear setback of 14.35 feet where Village code requires 20 feet, a variance of 5.65 feet for an existing Tiki Hut, for a property located at 148 Waterway Road. * (Director of P & Z)**

This was quasi-judicial and the Village Attorney (Mitty Barnard) swore in all who will speak on this item and asked for ex-parte disclosures. The P & Z Director stated the applicant is requesting a variance and has provided letters from surrounding property owners in support. The P & Z Commission recommended approval 3-2, however, staff recommended denial.

Stuart Titley, owner of the property, asked for the variance noting the Tiki Hut existed when he purchased the property in 2014 and reported after investigating it was determined that it was built in the 1990's.

After confirming with the Village Clerk and the Village Manager there were no public comments, Mayor Pinto closed public comment with no response.

Councilman Valuntas questioned the process of inspections with regard to clearing a house for sale. Mayor Pinto confirmed the surrounding neighbors submitted documents in support of the variance.

Councilman Valuntas made a motion to approve; seconded by Councilwoman Rodusky. Hearing no further discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

2. Public hearing to consider Application No. 22-89 (SPM), an application by Cotleur & Hearing on behalf of PSN Consultant Inc. The applicant is requesting a Major Site Plan Modification to add a 923 square foot addition to expand the existing automobile service station and allow for larger service bays, situated within Royal Plaza and located at 11503 Southern Boulevard. Agent: George Missimer, Cotleur & Hearing. * (Director of P & Z)

The Village Attorney clarified and added for the record that this item should be considered a Site Plan Modification as well as for Architectural and Aesthetic Review. This was quasi-judicial and the Village Attorney (Mitty Barnard) swore in all who will speak on this item and asked for ex-parte disclosures. The P & Z Director stated the applicant is seeking both site plan modification and architectural approval to expand the existing automobile service station and allow for larger service bays and to reconfigure the dumpster enclosure to accommodate the expansion. The Planning and Zoning Commission and Staff recommended approval.

George Missimer of Cotleur & Hearing representing the applicant was present for questions.

After confirming with the Village Clerk and the Village Manager there were no public comments, Mayor Pinto closed public comment with no response.

Councilman Valuntas made a motion to approve; seconded by Councilman Hmara. Hearing no discussion, Mayor Pinto put the motion to a vote and it passed 4-0.

3. **Public hearing to consider Application No. 22-90 (SPM,SE,AAR) an application by Cotleur & Hearing, on behalf of El Car Wash RPB, LLC. The applicant is requesting Site Plan Modification, Special Exception Use for a “Car Wash, Self-Service or Other”, and Architectural Approval to redevelop the site in order to construct and operate a 3,399 square foot standalone enclosed automated car wash facility, for a property situated within the General Commercial (CG) zoning district and located at 151 S. State Road 7. * (Director of P & Z)**

This was quasi-judicial and the Village Attorney (Mitty Barnard) swore in all who will speak on this item and asked for ex-parte disclosures. The P & Z Director stated the intent of the petition is to redevelop the site in order to construct and operate a 3,399 square foot automated carwash facility. He reviewed the stacking lanes, bypass lanes, noting the vacuum and cleaning stations are located along State Road 7. He said in reviewing the special exception, staff considered compatibility with adjacent land uses, consistency with the Village’s Comprehensive Plan, complies with all development regulations and does not have any adverse environmental impacts, vehicle or pedestrian traffic impacts, public facilities, adjacent properties, property values, or reduce quality of life or air. The P & Z Commission and staff recommended approval.

George Missimer of Cotleur & Hearing representing the applicant gave a presentation noting that 90% of existing vegetation will be kept and a new access point will be added. The car wash tunnel will be located north to south, the vacuums will be located along State Road 7 and state of the art silence equipment will be used within the tunnels. He reviewed and clarified the vehicular access into the site as well as the traffic pattern from the access road and from Christina Drive.

Donna Maes of 112 Newberry Lane and President of the Homeowners Association for Victoria Groves stated their opposition to this project. She noted there were five car washes within three miles of this area. She reported on the traffic hazards in the traffic circle entering the 660 home Victoria Groves development.

Patricia Henry of 127 Newberry Lane stated her opposition to the car wash citing traffic hazards in the traffic circle as well as backups. She also added her concern with this decreasing property values.

Mayor Pinto confirmed with the Village Attorney there is no legal standing to disapprove this project.

After confirming with the Village Clerk and the Village Manager there were no additional public comments, Mayor Pinto closed public comment with no response.

George Missimer reported that a market study had been conducted noting the differences between this car wash as opposed to the other surrounding car washes.

Councilwoman Rodusky clarified the reliever road exits, the difference between the car washes nearby as well as the number of cars passing through on an average day.

Darrell Peterson, representing the applicant, responded that the number of vehicles passing through on a normal day could be between 10 to 350 depending on the weather.

Councilman Valuntas confirmed there are no restrictions on hours of operation. The P & Z Director interjected reporting the applicant has agreed to add a condition of approval to stop the hours of operation at 9:00 p.m.

A resident also reported that a school bus stop is in front of the car wash.

Councilman Hmara made a motion to approve with an added condition of approval that the car wash operation would close at 9:00 p.m. allowing employees to remain until 10:00 p.m.; seconded by Councilman Valuntas. Hearing no further discussion, Mayor Pinto put the motion to a vote and it passed 4-0.

- 4. Public hearing to consider Application No. 22-97 (SCPA), an application by Urban Design Studios, and adoption of Ordinance No. 1032. The applicant is seeking a change of land use designation for ten (10) tracts of land totaling 31.846 ± acres, more or less, from the Village's Commercial (COM) Land Use designation to the Village's Mixed Use Social Center (MXS) Land Use Designation and for five (5) tracts of land totaling 9.289 ± acres from Palm Beach County's LR-2 Low Residential Land Use Designation to the Village's Mixed Use Social Center (MXS) Land Use Designation, located on the south side of Southern Boulevard approximately 7/10 of a mile west of State Road 7. Agent: Lentzy Jean-Louis, Urban Design Studio. (Director of P & Z)**

The Village Attorney (Mitty Barnard) read Ordinance No. 1032 into the record by title only. The P & Z Director gave a presentation on the applicant's request noting it is consistent with the Comprehensive Plan, compatible with adjacent future land uses and meets all relevant concurrency level of service standards. The Local Planning Agency and staff recommended approval.

Lentzy Jean-Louis of Urban Design Studios representing the applicant was present for questions.

After confirming with the Village Clerk and the Village Manager there were no public comments, Mayor Pinto closed public comment with no response.

Councilman Hmara made a motion to approve; seconded by Councilwoman Rodusky. Hearing no discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

5. **Public hearing for second reading and adoption of Application No. 22-18 (ZTA) and adoption of Ordinance No. 1027, an application by Urban Design Studio, amending the Village Code to amend Section 26-22. Definitions. in order to revise certain definitions and to add entirely new definitions, add entirely new Section 26-95. MXS Mixed Use Social Center District. to create an entirely new Mixed Use Social Center Zoning District and provide land development regulations for the new district, create entirely new Section 20-63. Mixed Use Social Center (MXS). to establish sign regulations for the new MXS zoning district, and amend Section 22-55. Recreation requirements for residential developments. to add recreational requirements for Mixed Use Social Center developments. Agent: Lentzy Jean-Louis, Urban Design Studio. * (Director of P & Z)**

This was quasi-judicial and the Village Attorney (Mitty Barnard) swore in all who will speak on this item and asked for ex-parte disclosures. The Village Attorney (Mitty Barnard) confirmed this is second reading and the revision that Council requested at the first reading via a condition regarding the palm tree to the Royal Palm tree replacement is reflected in this new ordinance on page 19.

The P & Z Director made a presentation on behalf of the applicant's request highlighting the sections and subsection included in this ordinance. He said the intent of the amendment was to create a Future Land Use Designation that allows for innovative and urban mixed use developments that provide integrated, vibrant, compatible and complimentary uses with a single development. He reviewed the zoning requirements, the permitted and special exception uses, site development standards that include building frontage, storefront style, arcade style, general style, general style, maximum building height minimum yard setbacks, minimum open space requirements, maximum floor-area-ratio (FAR), maintenance of common facilities, minimum recreation requirements and minimum size requirement for a Mixed Use Social Center. Also, landscape standards, special regulations for off-street parking and loading, parking garages, bike parking, transit, pedestrian crossings, common architectural themes, hours of operations, special events and outdoor uses, minor special events, major special events, art in public places, approval criteria and maximum density. In Section 26-22 there will be definitions added creating a build-to-zone, establishing recreation structures, retail sales, MXS, rooftop amenities and transparency. He reviewed the new Signage Requirements and Recreation Requirements. The Local Planning Agency and staff recommended approval.

Brian Tuttle, Owner reported on the process with outside consultants noting and clarifying there will be several variance requests submitted in the future.

After confirming with the Village Clerk and the Village Manager there were no public comments, Mayor Pinto closed public comment with no response.

Councilman Hmara made a motion to approve; seconded by Councilman Valuntas. Hearing no further discussion, Mayor Pinto put the motion to a vote and it passed 4-0.

6. **Public hearing for first reading of Ordinance No. 1034 and approval of Application No. 22-124 (RZ), an application by Urban Design Studios, the applicant is seeking a Rezoning of ten (10) tracts of land totaling 31.846± acres, more or less, from the Village's General Commercial (CG) zoning district to the Village's Mixed Use Social Center (MXS) zoning district and for five (5) tracts of land totaling 9.289± acres from Palm Beach County's Agricultural Residential (AR) zoning district to the Village's Mixed Use Social Center (MXS) zoning district, located on the south side of Southern Boulevard approximately 7/10 of a mile west of State Road 7. Agent: Lentzy Jean-Louis, Urban Design Studio. * (Director of P & Z)**

This was quasi-judicial and the Village Attorney (Mitty Barnard) swore in all who will speak on this item and asked for ex-parte disclosures. The P & Z Director stated on behalf of the applicant this is a rezoning request. This application is consistent with the Comprehensive Plan, compatible with adjacent future land uses and meets all relevant concurrency level of service standards. The Local Planning Agency and staff recommended approval.

Lentzy Jean-Louis of Urban Design Studios representing the applicant was present for questions.

After confirming with the Village Clerk and the Village Manager there were no public comments, Mayor Pinto closed public comment with no response.

Councilwoman Rodusky made a motion to approve; seconded by Councilman Hmara. Hearing no discussion, Mayor Pinto put the motion to a vote and it passed 4-0.

7. **Adoption of Resolution Nos. 22-42, 22-43 and 22-44 and approval of Application No. 22-138 (EXT) granting a request from Urban Design Studios on behalf of Tuttle Royale SFH, LLC, Southern Boulevard Villas LLC and EDX Royale Property LLC, for a 6-month extension to the development approvals for Pods 3, 4 and 7 to March 2, 2023. for Pod 3, the extension request is for the Site Plan, Architectural & Aesthetic and Variance approvals. for pod 4, the extension request is for the Site Plan, Special Exception, Landscape Waiver and Variance approvals. for pod 7, the extension request is for the Site Plan, Architectural & Aesthetic and Special Exception approvals, for properties located on the south side of Southern Boulevard, approximately 0.27 miles west of State Road 7 (U.S. 441). (Director of P & Z)**

The P & Z Director stated this request applies to Pods 3, 4 and 7. Staff recommended approval.

After confirming with the Village Clerk and the Village Manager there were no public comments, Mayor Pinto closed public comment with no response.

Councilman Valuntas made a motion to approve; seconded by Councilwoman Rodusky. Hearing no discussion, Mayor Pinto put the motion to a vote and it passed 4-0.

8. Public hearing to consider Application No. 22-154 (AAR), an application by Mario Lopez Pisani on behalf of the Village of Royal Palm Beach. The applicant is seeking Architectural Approval for the acquisition and Commission of Public Art (photographs) for the Cultural Center located at 151 Civic Center Way. (Public Art Professional)

The Public Art's Professional began his presentation by reviewing the public art requirements and funding for the 2019 expansion and improvements of the Cultural Center. He reported that \$30,000 was allocated for the public art and that a New York based photographer Xan Padron was selected to fulfill the public art requirement from his Time Lapse series. Mr. Padron was selected to capture many of the themes the Village promotes such as creating an aesthetically pleasing, active and connected community. This art will highlight Royal Palm Beach by creating work in the Village that speaks to the dignity and beauty inherent to this place we call home. He gave an overview of the criteria followed to select this artist Xan Padron who is a cultural observer and showed three examples of his work that include his Time Lapse series. He reported that the largest piece is commissioned and will include Royal Palm Beach residents. After a discussion ensued regarding the flag art piece and the two other proposed pieces it was determined to reevaluate and contact the artist to clarifying that the pieces will include Village residents.

The Village Manager confirmed there is a \$30,000 Commission Artist Agreement in place but will be reevaluated and revised to be Royal Palm Beach unique and brought back before the Council.

Councilwoman Rodusky made a motion to table to a time certain of January 19, 2023; seconded by Councilman Hmara. Hearing no further discussion, Mayor Pinto put the motion to a vote and it passed 4-0.

9. Appointment of one resident to the Education Advisory Board. (Council Liaison)

Councilman Hmara made a motion to appoint Erin Franklin to a regular seat expiring March 2023; seconded by Councilman Valuntas. Hearing no discussion, Mayor Pinto put the motion to a vote and it passed 4-0.

REPORTS

Councilwoman Rodusky reported that December 16th between the hours of 8:00 a.m. – 3:00 p.m. is the last day for the collection of Toys for Tots at Gate 8 or 10 at the South Florida Fairgrounds.

Mayor Pinto reported on the Transportation Planning Agency meeting where discussion was held on the State Road 7 project funding being moved to 2028.

ADJOURNMENT

Diane DiSanto, Village Clerk

Mayor Fred Pinto