

Agenda Item No. C - 1

VILLAGE OF ROYAL PALM BEACH
Agenda Item Summary

AGENDA ITEM: Approval of the minutes of the Council Budget Workshop of July 2, 2019 and Council Regular Meeting of July 18, 2019.

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		08/15/19	

**VILLAGE OF ROYAL PALM BEACH
MINUTES OF COUNCIL BUDGET WORKSHOP
VILLAGE MEETING HALL
TUESDAY, JULY 2, 2019
6:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

Mayor Fred Pinto
Vice Mayor Jan Rodusky
Councilman Jeff Hmara
Councilwoman Selena Samios
Councilman Richard Valuntas

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

COMMENTS FROM THE PUBLIC

REGULAR AGENDA – None

1. Budget Message by Village Manager

The Village Manager submitted the proposed Annual 2020 budget along with the five year Capital Improvement Program for fiscal years 2020 – 2024. He reported that approximately \$30,000 was used from the rate stabilization fund to balance the budget along with a \$1.4 million dollar transfer from the utility sales proceeds to the Capital. He explained the reason for the transfers, the process and the use of the rate stabilization fund.

2. Budget Overview by Finance Director

The Finance Director gave a summary of the 2019-2020 budget showing the total budget of \$45,118,930 with 56% for General Operating, 21% Capital Projects, 20% for reserves and 3% stormwater utility. He stated the budget highlights are as follows: property values up again and projected this year at 4.4%, the tax rate of 1.92 has been maintained and there are staff changes in Finance, Engineering and Parks and Recreation departments. The Finance Director reported all Strategic Plan Initiatives have been included in the budget.

He gave the Ad Valorem Tax overview which shows the Village's property values, including new construction, have increased 4.4% as follows: Prior year value – \$2.850 billion; current year value – \$2.983 billion with an increase of \$133 million. The Finance Director stated the budget is proposing to maintain the operating millage rate at \$1.92 mils per thousand.

He showed the impact of the total proposed millage rate of \$1.9200 on homes valued from \$150,000.00-\$192.00, \$212,000.00-\$311.00 and \$274,000.00-\$430.00 all-encompassing the homestead exemption.

The General Fund Revenue Summary is \$25,413,753 with property taxes generating 21%, other taxes and fees 23% which totals 44% of the revenue

stream. Licenses and permits are 13%, intergovernmental revenues at 18%, charges for services 2%, fines 2%, miscellaneous revenues 4%, and current year fund balance at 17%. The expenditure summary is \$25,413,753 with personal services at 43%, contractual services 39% which is comprised of mainly the PBSO, other charges and services 15%, commodities at 3%; and other operating expenses, department capital outlay and grants and aids are less than 1%. The expenditure summary shows merit adjustments are programmed at an average of 3.5% for all employees. A cost of living adjustment of 2.3% is included based on the 12 month running average from April 2018 – March 2019. Medical insurance cost premiums are based on market projections.

The expenditure summary shows the following position additions/deletions/reclassifications are as follows: Engineering – Position reclassification of the GIS Coordinator to GIS Manager; Finance – Position reclassification of the Accounting Manager to Assistant Finance Director and Information Systems Manager to Information Systems Director; Parks & Recreation – Position reclassifications for two part-time Facility Attendants to full time. Position additions include Engineering – GIS Technician and Finance – Information Systems Specialist.

The Finance Director stated that the Stormwater Utility Fund Revenue Summary is \$1,260,844 which is funded 86% by the stormwater utility fees and 14% Fund Balance. The expenditure summary is \$1,260,844 which is 48% for personal services, contractual services less than 1%, other charges and other charges and services 39%, commodities 4%, other operational expenses 1%, and transfers 8%.

The Finance Director reviewed the Capital Improvements Funds – CIP at \$18,444,333. The Recreational Facilities Fund is 3%; Beautification Fund is less than 1%; Impact Fee Fund 9%; Sales Surtax 22%; General Capital Improvements Fund 16%, Utility 1% and Reserves 49%.

3. Department Directors Present Operating Budgets General Fund

1. Village Council

The Village Manager referred to page 33 and reported on the Grants & Aids Account noting the categories remain the same and include the Local Scholarships, RPBHS Project Graduation, Arbor Day and Relay for Life. The overall budget is at \$301,652.

Councilwoman Samios asked if the Mayor’s Golf Tournament is projected to fund the scholarships or school committees. A discussion ensued regarding the proceeds of the golf tournament and entry fees. The Parks and Recreation Director reported on the proposed cost of the tournament, expansion of it and additional sponsorships. After further clarification, it was the consensus to include the scholarships in the budget this year and any additional money made will be added to the scholarship fund. Discussion ensued with regard to funding the Relay for Life and Homeless Coalition/Mayor’s Ball and other non-profit 501C. Councilman Valuntas suggested adding scholarships if there is

additional money from the golf tournament this year. Vice Mayor Rodusky suggested withdrawing the funds to Relay for Life in order to be consistent with not funding other non-profits. The Village Manager clarified that the money is donated to the Cancer Society in the name of the team and Royal Palm Beach. The Director of Community Development confirmed the donation made by the Village does not go to the team but directly to the American Cancer Society and is part of the Village's fundraising efforts. He reported that this is the biggest charity fundraiser in the western communities and has never seen another non-profit mobilize a community the way the American Cancer Society does for the Relay for Life. After a further discussion on employee participation in other non-profit organization, it was the consensus of Council to leave the line item for Relay for Life.

2. Village Manager

The Village Manager referred to page 38 stating there is reduced costs noting there will be no payment to the Transportation Planning Agency this year. He did report an increase in the line item for Election Expenses in anticipation of a Special Election should Council move forward with changes to the Term Lengths and Tax Abatement.

3. Legal

The Village Manager referred to page 52 and stated the actual budget amount is less. He also noted that the development expenses are reimbursed by the Developers.

4. Police

The Village Manager referred to page 54 reporting the PBSO contract had a 2% increase.

5. Human Resources

The Human Resource Director referred to page 40 noting no significant changes. She said the Village would be going out to bid, doing away with a Third Party Administrator, which will result in a saving to the Village in the maintenance of the accounts.

6. Planning & Zoning

The P & Z Administrator referred to page 42 noting an increase in professional services due to the addition of an Arborist and Landscape Architect Services. He said also included in the \$100,000 line item would be Land Planning Services.

7. Finance

The Finance Director referred to page 47 noting a major change that removes Information Services personnel and costs. He referenced the new department Information Systems on page 51 reporting that four positions were transferred

to Information Systems department along with adding an additional Information Systems Specialist. He said that the Information System Manager was reclassified as an Information System Director. He said the additional costs are associated with any increases in the newly developed Information Systems.

8. Information Systems

The Finance Director said the budget increase is due to maintenance costs associated with Project Docs hosting as well as Florida Captioning Services. The increase is \$140,000. There are no other increases.

9. Non-departmental

The Finance Director referred to page 81 and reported the budget increased by 1.29%.

10. Community Development

The Director of Community Development referred to page 56 noting no changes in personnel and reviewed page 58 on the continuation of further implementation of the E-Permitting process. He also highlighted the Performance/Workload Indicator of valuations of single-family buildings at \$77,300,000. Reported an increase costs for a new Arborist and a less than 1% or .66% increase in the building division. The code enforcement division increased slightly for education purposes.

Councilwoman Samios asked when the Community Development lobby improvements will be finished. The Director responded by the end of this fiscal year.

11. Engineering

The Engineer referred to page 65 noting the GIS Coordinator will be upgraded to a GIS Manager and a GIS Technician position has been added. He said an additional \$50,000 has been added for professional services to conduct a Mobility Study. A discussion ensued with regard to the changing of technology and the funds available to continue education for the staff.

12. Public Works

The Director of Public Works referred to page 67 and stated one of the goals in this department will be to have everything tracked through the GIS system. He referred to page 70 and reviewed the performance/workload indicators noting that the budget is a status quo budget with no service level changes and no major budget changes. The budget on page 71 showss a 1.1% increase due to personal services.

Utility Fund

1. Stormwater Utility

The Director of Public Works referred to page 86 and noted the asterisk employees on the organizational chart fall under this category. He said this

budget is status quo with no major changes but an increase of 9% due to personal services.

13. Parks & Recreation

The Parks and Recreation Director referred to page 72 and reported on the personnel changes of two part time facilities attendant employees to full time. He referred to page 75 - Parks Division and page 77 - Recreation Division reporting no major significant changes. He reported on the senior transportation program and noted the reduction in the arts program adding that the Pre-K facility will be contracted out and in turn will be paying the Village 30% of the revenues. He referred to line item 52-22 Commodities showing an increase in order to reestablish the Youth Flag Football program that has been failing. The Director referred to the Cultural Division reporting increases in line items 34-90 other contract services and 52-24 arts & crafts program. The Arts & Crafts line item includes \$32,000 for an art program approved in the strategic plan. He said the \$32,000 is 1% of construction costs of the Cultural Center, which will include the purchase of paintings for the Cultural Center. The Director said additional funds in the Cultural Center budget includes hiring an organization to help market it, becoming a member of meetings.com as well as producing a virtual tour on line in order to promote the facility. The Director explained the funding for the senior citizen rideshare transportation program. He said the Village is working with Lyft, Uber and Papa on the new program. The current objective is to see how a gift card might encourage seniors to use various ride opportunities. The Village Manager also reported on smart phone classes taught by high school students for anyone over 65 the goal being that anyone participating will receive a transportation gift card of \$40.00 per year. It was also reported that one of the programs (Papa) does not require a smart phone. Councilwoman Samios had questions regarding maintenance of the softball fields where a discussion ensued regarding the maintenance and closing of the multi-purpose fields for renovations and the future use of artificial turf. Councilman Hmara asked about the expenses regarding the upkeep of the parks. The Village Manager reported that Veterans Park is the most expensive park per acre to maintain, largely due to the fountains. Mayor Pinto asked if the replacement of the Veterans statues were included in this budget. The Director responded that replacement was not included but \$1,800 was for refurbishing them.

Mayor Pinto again gave members of the public opportunity to give comment. He received no response.

4. Capital Budget

The Village Engineer presented the 2020-2024 Capital Improvement Program summary and gave an overview of the six different funds totaling \$18,444,332 in Revenues and \$9,455,848 in Expenditures. The Recreation Facilities Fund 101 expenditures are associated with the acquisition, improvement, expansion or implementation of parks and recreational facilities. Included in the plan is the RPB Commons Parking lot expansion. The Community Beautification Fund 102 expenditures associated with enhancing the aesthetic landscape and visual perception of the Village includes the Okeechobee Boulevard West Landscape

Improvements. The Impact Fee Fund 301 expenditures associated with the acquisition, improvement, expansion or implementation of facilities related to new development includes the Madrid Street connection to State Road 7 that includes a study for a right out only option and a full connection. He also showed the previously funded projects which includes Village Wide Traffic Calming carryover totaling \$168,519; new Village Hall; Madrid Street Connection to State Road 7; Southern Boulevard Park; Commons Lighting and Crestwood North Park. He reviewed the Local Discretionary Sales Surtax 302 Fund expenditures associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of five or more years. The 302 Fund includes targeted Commons Park Access points with neighboring communities; new Village Hall; Robiner Park Pathway and Kayak Launch; All Access Playground to be located at Commons Park; Recreation Center – Renovation and Expansion, Road resurfacing on certain roadways in Saratoga Pines, LaMancha and the Willows and Canal System Dredging. He showed a summary of the remaining projects in the 302 Fund. The Village Engineer reviewed the expenditures in the General Capital Improvements Fund 303 where the expenditures are associated with general capital improvements and includes the FPL Street Light Conversion to LED; Earth Day Lake Bank Stabilization; ADA Improvements - Phase II; Retaining Wall at Commons Park; Cultural Center Entry Enhancements along with a wedding pavilion; Camellia Park Renovations; Beach at Commons Park; Roadway Crack Sealing; a contingency project to purchase Harvester Equipment if the state changes its policy on herbicides and Crestwood/Okeechobee Entry Sign Landscape. He also pointed out the summary of the remaining items in the fund. The Village Engineer reported that the Stormwater Utility Capital Fund 408 where the expenditures are associated with capital improvements for stormwater infrastructure includes the Camellia Park Drainage Improvements.

The Director of Public Works addressed a question from Councilwoman Samios regarding two remaining bus shelters. The Director reported that installation on the one near Walgreens on Southern Boulevard would be installed after roadway construction is complete and the other by Walmart will be installed once the property ownership issues are resolved. The remaining funds will be used to maintain the existing shelters. If any additional shelters are needed the cost will be Palm Beach County's responsibility.

ADJOURNMENT

Mayor Fred Pinto

Diane DiSanto, Village Clerk

**VILLAGE OF ROYAL PALM BEACH
MINUTES OF COUNCIL REGULAR MEETING
VILLAGE MEETING HALL
THURSDAY, JULY 18, 2019
6:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

Mayor Fred Pinto
Vice Mayor Jan Rodusky
Councilman Jeff Hmara
Councilwoman Selena Samios
Councilman Richard Valuntas

All members of Council were present; along with the Village Manager (via telephone), Acting Village Manager, the Village Attorney (Keith Davis) and the Village Clerk.

REPORTS

Mayor Pinto reported on the Transportation Planning Agency meeting where they adopted their Strategic Plan; a TPA Handbook that now includes human resources for employees formally from the County and a list of the TPA priority projects transmitted to FDOT. He reported that the new office construction site that has been underway is now scheduled for completion mid-October.

Vice Mayor Rodusky provided a handout of “Proposed Best Practices for Public Art Projects” that includes 29 best practices. She also invited everyone to attend the Senior Expo on July 19th at the Cultural Center from 11:00 a.m. to 1:30 p.m.

Councilman Hmara congratulated staff on July 4th Star Spangled Spectacular celebration and addressed the challenge of the traffic exiting the event. He announced that Royal Palm Beach High School received a “B” rating this year and the third time under Principal Armas. He also announced a vacancy on the Education Advisory Board and directed residents to the website to apply.

Councilman Valuntas announced that Cypress Trails Elementary earned an “A” grading this year as well.

Councilwoman Samios also congratulated staff on the 4th of July event. She too invited everyone to the Senior Expo as well as the Parks and Recreation Month celebration starting at 8:00 a.m. on Saturday, July 20th at Commons Park.

The Village Attorney referred to a memo dated July 8, 2019 and gave a Legislative Session Update that included Private Property Rights/Tree Trimming and Regulations, Impact Fees, Permit Fees, Vegetable Gardens/Preemption and the Right-of-Way/Telecommunication Services that he is currently working on.

PETITIONS - None

STATEMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS OR CONSENT AGENDA ITEMS

Chloe Calderon of 190 Royal Pine Circle East, a senior at Royal Palm Beach High School and former President of the Teen Coalition in Action underneath the Palm Beach County Substance Awareness Coalition asked the Council to consider a Point of Purchase ordinance to create an alcohol-free environment amongst youth in Palm Beach County. She explained the ordinance would require anyone selling alcohol to post a sign in their store stating the potential consequences and fines for selling, buying or giving alcohol to anyone underage.

David Swift of 240 Ponce de Leon Street questioned the size of the signage at the entrance of the new subdivision Bella Sera and asked if they are permanent. The P & Z Director responded that the permanent subdivision entrance signs were approved by Council are in compliance with Village Code and did not require a variance. He also questioned the budget where a \$100,000 was dedicated from the strategic plan for the design and engineering planned traffic connection between Madrid Street and State Road 7. He asked about public notification for LaMancha residents, a time-frame and more specific details for that project. He also had an issue with the budget dedicating \$200,000 for a sandy shoreline project at Commons Park and supported the budget dedicating \$6 million dollars for a new Village Hall. Mayor Pinto clarified the Madrid Street initiative reporting that at the Strategic Planning Session it was approved to do a study analysis for an exit only. He said once the report is finished, impacts will be discussed. The Village Manager added staff is proposing to have the study complete and presented to Council in April 2020.

Councilman Valuntas responded to the beach comment noting at this point it is only an idea and will be further reviewed during the budget process.

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 June 20, 2019. (Village Clerk)**
- 2. Tentative adoption of the proposed millage rate of 1.9200 and approval of scheduled public hearings on September 5, 2019 at 6:30 p.m. and September 19, 2019 at 6:30 p.m. in the Village Meeting Hall. (Finance Director)**
- 3. Approval and authorization for the Mayor to sign the "First Amendment to Co-Location Agreement" between the Village of Royal Palm Beach and T-Mobile South LLC regarding the cell tower site at 1050 Royal Palm Beach Blvd. (Finance Director)**
- 4. Approval and authorization for the Village Manager to enter into an agreement with A. Thomas Construction, Inc. the lowest responsive, responsible bidder, in an amount of \$30,000 for the painting of the Recreation Center Gymnasium. This project, PR1915 is**

budgeted in account #303-7210-572-46-10. (Parks & Recreation Director)

- 5. Approval of a Special Event Permit application for the Village of Royal Palm Beach to hold "Parks and Recreation Month" on July 20, 2019 at Royal Palm Beach Commons Park. (P & Z Director)**
- 6. Approval of a Special Event Permit application for the Village of Royal Palm Beach to hold a "Haunted House" on October 25, 2019 through October 30, 2019 at Royal Palm Beach Commons. (P & Z Director)**

Councilwoman Samios made a motion to approve the Consent Agenda; seconded by Councilman Hmara. Mayor Pinto put the motion to a vote and it passed unanimously.

REGULAR AGENDA

- 1. Public hearing to consider Variance Application No. 18-120 (SVAR), an application by Centerpoint Integrated Solutions, LLC, is requesting a Sign Variance from Section 20-60(2) to allow for a 17'-4" wide by 10 foot high sign, 173 square feet in area where village code allows a maximum monument sign size no more than 8 feet in width and 7 feet in height and 42 square feet in area, a sign variance from Section 20-60(2) to allow for 21 5/16" letters on the monument sign where village code allows a maximum letter height no more than 15", a sign variance from Section 20-60(4)f. to allow for a 3'2" wide by 4' foot high directional sign where village code allows a maximum directional sign that is 2' high and 2 square feet in area, and a sign variance from Section 20-60(4)f. to allow a maximum mounting height of 8'-0" for directional signage in the sales display lot, where village code allows a maximum height of 2'-0", for a 13.47-acre property located at 10501 Southern Boulevard. * (P & Z Director)**

This was quasi-judicial and the Village Attorney swore in all who will speak and asked for ex-parte disclosures. The P & Z Director showed the location of the Carmax and reviewed the various sign locations. The applicant is requesting a variance to allow a 17'-4" wide by 10 foot high sign for a total of 173 square feet in area where Village Code allows a maximum monument sign size no more than 8 feet in width and 7 feet in height and 42 square feet in area. In addition, the applicant is also requesting a variance to allow 21 5/16" letters on the monument sign where Village Code allows a maximum letter height no more than 15". He stated the directional sign is located at the interior of the site and the variance request is to allow for a 3'2" wide by 4' foot high directional sign where Village Code allows a maximum directional sign of 2' high and 2 square feet in area. The final variance request is to allow for a mounting height of 8'-0" for directional signage in this sales display lot. The Director reviewed the criteria in allowing Council to grant variances. The applicant contends that a larger monument sign and letter height are necessary due to the property being setback approximately 92 feet from the closest point of the adjacent Southern Boulevard right-of-way. The property is setback 92 feet from Southern Boulevard due to the location of an FDOT water detention area, located between

the roadway and the property. The applicant asserts that other similar automobile dealerships located within the Village and along the Southern Boulevard corridor also have larger signs than permitted by Village Code. Regarding the variances for the directional signage, the applicant contends that the larger size for the directional signs at the entryways to the property are necessary in order for automobile delivery trucks to read the signs. The applicant is also seeking a variance to allow for directional signs mounted at a height of eight feet where Code only allows for a maximum two foot height in order to identify the locations where specific inventory is stored. Staff generally agrees with the applicant's justification for the direction signs mounted at eight feet and recommended approval. However, staff is recommending denial of the other three variance requests since the criteria for granting these variance requests have not been met. The Director stated there are no special conditions and circumstances that exist which are peculiar to the site, structure or building and which are not applicable to other lands, structures or buildings subject to similar requirements, therefore granting of the variance request will confer on the applicant special privileges that are denied to other lands, buildings or structures similarly situated. The Planning and Zoning Commission recommended denial by a vote of 3 – 2. Staff recommended denial pertaining to those portions of the larger directional sign and the monument sign and approval of the directional signs mounted at eight feet.

Bonnie Mikel, Esq. of Dunay, Miskel and Backman representing the applicant made a presentation. She said the two principal purposes for signage are informational/identification and sales/marketing as well as being a safety component. She reviewed the four sign variance requests reporting that the signage industry consideration for the appropriate size of letters and signs is based on the speed of the roadway and the distance of the sign from the roadway. Ms. Mikel reviewed the request for the monument sign variance and presented pictures showing the sign variance perspective vs. code compliance. She also reported on the unique and special condition that includes safety. She referred to and reviewed the signage of other car dealerships in the area providing a comparison chart of previous variance requests. The CarMax monument variance request is for 10' in height. Ms. Mikel reviewed variance #2, which is a request for additional letter height on the monument sign. She showed different perspectives on the approach to 105th Avenue North from the different rights-of-way. She presented variance #3, which is a request for additional directional sign height and area. Variance #4 is a request for additional directional (row markers) signs 1' x 1', and elevated 8' on poles in the sales display lot. Ms. Mikel again reviewed the variance criteria stating that this location is a unique situation with a 100' FDOT retention area in the frontage.

Mayor Pinto opened and closed public comment with no response.

Councilman Valuntas stated his support for variance B and C; however, asked the applicant to consider elevating the sign and reduce the size. Ms. Mikel responded by presenting two other options and a discussion ensued with regard to height, aesthetics, safety and landscaping. The Village Attorney clarified for the record a variance for a height or width larger than the originally advertised variance can be not considered without re-advertising.

Councilman Valuntas made a motion to approve the Sign A variance to include raising the stone veneer base as well as the increased letter size; seconded by Councilman Hmara. Hearing no further discussion, Mayor Pinto put the motion to a vote and it passed 4 - 1 with Councilwoman Samios dissenting.

Councilwoman Samios made a motion to approve the Sign B variance as proposed; seconded by Councilman Valuntas. Hearing no further discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

Councilwoman Samios made a motion to approve Sign C variance as proposed; seconded by Councilman Hmara. Hearing no further discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

- 2. Public hearing to consider Variance Application 18-107 (VAR) an application by Urban Design Kilday Studios and approval of Variance Order VC 19-03, to allow a variance to Section 26-80 (2) (b) to permit a minimum lot width of 45 feet where the village code requires 55 feet, for a 33.75± acre parcel of land located on the south side of Southern Boulevard approximately 0.27 miles west of State Road 7. Agent: Ken Tuma of Urban Design Kilday Studios. * (P & Z Director)**

This was quasi-judicial and the Village Attorney swore in all who will speak on Items 2 – 5 and asked for ex-parte disclosures. The P & Z Director stated the applicant is requesting a variance in order to permit a minimum lot width of 45 feet where the code requires a lot width of 55 feet within the Single Family Residential (RS-3) Zoning District. The applicant through an accompanying application is requesting Site Plan approval for 102 patio home (zero-lot line) single-family style units and the variance request is to allow the reduction in the required lot width for these units in Pod 4. He reviewed the criteria that allows the Council to grant variances. The applicant contends that the proposed 3.02 units per acre is well below the allowed density for this zoning district and due to the encumbrance of the Florida Power and Light easement to the north there is a limited portion of the site area that can be used for development. The Justification Statement says that this particular variance has been requested to be more in line with the patio home section of the code. Although there are other residential districts that permit patio homes development at 40-ft, (RMU, RV-6, and RT-8) the Village specifically requested that the applicant propose RS-3 zoning for this pod and so they must follow the RS-3 zoning regulations. Several neighborhoods in the Village have lots with a 45-foot and 50 width including the adjacent residential neighborhood (Victoria Groves). Staff does not support this variance because no special conditions or circumstances exist which are not applicable to other lands; the condition is the result from actions of the applicant; granting of the variance will confer on the applicant special privileges that are denied to other lands; the literal interpretation of the Code does not deprive the applicant the rights enjoyed by other lands in the same zoning district and that it is not the minimum variance necessary to allow reasonable use of the property. The Planning and Zoning Commission recommended approval by a vote of 4-1 with Ray Nazareth dissenting. Staff recommended denial.

Alexandra Palmer of Urban Design Kilday Studios representing the applicant made the presentation for Pod 4 noting it is the southern part of the Master

Plan. She gave a history of the property stating the land is approved for single-family land use, concurrency for 106 single-family dwelling units or 3.14 dwelling units per acre and rezoning. She stated this area is encumbered by 11.34 acres of an FPL easement which is 34% of the property. The variance request is to allow for a 45' lot width in the RS-3 zoning district and cited other zoning districts in the Village that permit 45' or less. She explained if approved it would be 2.5 dwelling units per acre that is half of the RS-3 density permits. Mayor Pinto confirmed traffic concurrency is for 106 units but if forced to build 55' lot widths only 86 would fit on the site which is less than the 100 lots needed for a Planned Unit Development. Ms. Palmer stated that 45' lots have been previously approved in the Village and the applicant was asked to change the zoning from RT-8 to RS-3 with the understanding of allowing 106 lots. The RS-3 would allow up to 168 lots, however, the FPL encroachment restricts the site plan.

Brian Tuttle, applicant reiterated that RT-8 zoning would have been allowed without these requested Variances but explained the negotiations with staff to rezone to RS-3. He said this property is under contract with Toll Brothers Construction and reported on the recreation space amenities surrounding the site.

Mayor Pinto opened and closed public comment with no response.

Councilman Hmara asked if they have received any comments from Victoria Groves. Ms. Palmer reported on meetings with the HOA Board and they are in support of the plan.

Councilman Valuntas asked the developer to consider making 20% of the lots 50' in order for a variation to the site. A discussion ensued about other existing zero lot line communities and the 100-unit threshold to make HOA's viable and to comply with Planned Unit Developments. The Director reviewed the site plan and recommended removing two lots in order to add 5' to 18 lots to achieve the 20% plus one that would allow for the lots to be 55' or greater.

Mr. Tuttle responded asking for approval to allow for 100 lots with as many 50' lots that can fit.

Councilman Hmara made a motion to grant the variance with the condition that the site plan is changed to 100 lots and with the land gained from removing the two lots they would make as many of the remaining lots 50' in width; seconded by Vice Mayor Rodusky. Hearing no further discussion, Mayor Pinto put the motion to a vote and it passed 4 – 1 with Councilwoman Samios dissenting.

- 3. Public hearing to consider Variance application 18-123 (VAR) an application by Urban Design Kilday Studios and approval of Variance Order VC 19-04, to allow a variance to Section 26-63(a) minimum lot dimensions to allow for 4,500 square foot lots where village code requires 5,000 square feet and a variance from section 26-63(b) minimum setbacks to allow for a 15 foot side (corner) yard setback where village code requires 20 feet for a side (corner) yard setback on a 33.75± acre parcel of land located on the south side of Southern Boulevard approximately 0.27 miles west of State Road 7. Agent: Ken Tuma of Urban Design Kilday Studios. * (P & Z Director)**

The P & Z Director stated the applicant is requesting a variance to permit a minimum lot area of 4,500 square feet where the code requires a lot area of 5,000 square feet and a variance to allow for a 15-foot side (corner) yard setback where code requires a minimum 20-foot side (corner) yard setback for Patio homes in Pod 4. He reviewed the variance criteria. The applicant contends that the proposed 3.02 units per acre is well below the allowed density for this zoning district and due to the encumbrance of the Florida Power and Light easement to the north there is a limited portion of the site area that can be used for development. The applicant states in their Justification Statement that in order to design a site plan that can achieve 101 lots at 3.02 dwelling units per acre, the lots had to be smaller than permitted by the Patio Home code. It is important to note that only eight of the 102 lots will be less than 5,000 SF. In the same respect, the setback for these lots had to be reduced from the patio home-required side corner setback in order to provide a product near to equivalent size of the product found in the single-family neighborhoods surrounding this future community. Staff recommended denial. The Planning and Zoning Commission recommended approval by a vote of 4-1 with Ray Nazareth dissenting. The Director showed the safe site triangle on the corner lots where the side yard setback would be reduced.

Alexandra Palmer of Urban Design Kilday Studios representing the applicant stated the two variances part of the patio home section are lot area and side corner yard setback. She explained that this effects only a small amount of lots in lieu of the reduction to 100 lots.

Mayor Pinto opened and closed public comment with no response.

Councilman Valuntas made a motion to approve; seconded by Councilman Hmara. Hearing no further discussion, Mayor Pinto put the motion to a vote and it passed 4-1 with Councilwoman Samios dissenting.

- 4. Public hearing to consider Variance Application 18-122 (VAR) an application by Urban Design Kilday Studios and approval of Variance Order VC 19-05, to allow a variance to Section 23-18. (b). (3). b. 2. to permit a minimum of 625 square feet of landscaped area in the front yard where the village code requires that the lesser of 1,000 square feet or 75% of the front yard (844 square feet) be landscaped, for a 33.75± acre parcel of land located on the south side of Southern Boulevard approximately 0.27 miles west of State Road 7. Agent: Ken Tuma of Urban Design Kilday Studios. * (P & Z Director)**

The P & Z Director stated the applicant is requesting a variance in order to permit a minimum of 625 square feet of landscaped area in the front yard where code requires that the lesser of 1,000 square feet or 75% of the front yard (844 square feet) be landscaped. The Director referred to the criteria to grant variances and stated the applicant contends that the proposed 3.02 units per acre is well below the allowed density for this zoning district and due to the encumbrance of the Florida Power and Light easement to the north there is a limited portion of the site area that can be used for development. The applicant states within their Justification Statement that the smallest lot proposed could have a front yard area dimensioned at 45-feet by 25-feet for a total of 1,125 square feet in area. The code requires that a minimum of 1,000 square foot of

the front yard is landscaped with a 20-foot wide driveway. The 45-foot lots will only have approximately 625 square feet of green space in the front yard if the home sits right at the 25-foot front setback, requiring a variance of 219 square feet on the smallest lot. Staff recommended denial. The Planning and Zoning Commission recommended approval by a vote of 4-1 with Ray Nazareth dissenting.

Alexandra Palmer of Urban Design Kilday Studios representing the applicant requested a variance to the landscaping area in the front yard for 625 square feet. She explained this variance is for only six of the smallest lots in the community noting it may be less than six at this point. She added all the landscape materials including trees will remain the only reduction will be with the sod and related to only the lots that are 45' wide.

Mayor Pinto opened and closed public comment with no response.

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

5. Public hearing to consider Application 18-0085 (SP, SE, LW) an application by Urban Design Kilday Studios and Resolution 19-17 confirming Council action. The applicant is seeking Site Plan, Special Exception Use and Landscape Waiver approval for a 102 unit single-family planned unit development (PUD) located on the south side of Southern Boulevard approximately 0.27 miles west of State Road 7. Agent: Ken Tuma of Urban Design Kilday Studios. * (P & Z Director)

The P & Z Director stated this site currently has several single-family homes on large tracts and are part of the Planned Unit Development request. The applicant is also seeking to reduce the required right-of-way width from the required 60 feet to 50 feet. The site contain a 0.8 acre lake for on-site retention, 13.88 acres of open space and access from Southern Boulevard via the bridge with future access to State Road 7. He stated the conditions of approval would be revised for the recreation obligation. The code requirements for recreational space are 10 acres of recreation space per every 1,000 residents. Each dwelling unit generates three residents, thus, based up on the proposed 102 single-family dwelling units, which now the numbers will change, the recreation obligation for this project is 3.06 acres. Section 26-75 (h) (2) allows for a credit for private open space, where up to 50% of the required recreation area can be provided as private open space to the residents of the subdivision. The applicant is proposing to provide a total of 1.53 acres of private recreation on site for a total of 50% of the project's recreation obligation. The private recreation areas proposed will include a pool, multi-purpose sports court, playground, fitness trails and a picnic area. The applicant will also be dedicating 1.53 acres of land totaling 100% of their remaining 50% recreation obligation. The 1.53 acres will be a part of Pod 8 intended to be the receiving area for the recreation obligations for Pods 2, 3, and 4. A Landscape Waiver is being required to provide only a 10-foot wide landscape buffer along the north property line where Code requires a 15-foot landscape buffer. The applicant is requesting to reduce this buffer to accommodate a 5-foot walking path which will provide pedestrian connectivity to the recreation center.

Overall, the proposed Site Plan is in conformance with the Village's requirements for the Single-Family Residential (RS-3) Zoning District, with the exception of the variances being requested under separate applications. The Planning and Zoning Commission and staff recommended approval.

Alexandra Palmer of Urban Design Kilday Studios representing the applicant stated they now proposed 100 units which will be sold at market rate and will not be work force or affordable housing. She also requested approval for the Special Exception, Landscape Waiver and Right-of-Way waiver.

Mayor Pinto referred to the market rate for this development and asked if the unusable FPL easement will have an impact. Mr. Tuttle responded it was a hard selling point but referenced the site plan noting it was designed so that only six lots are facing the FPL easement. Ms. Palmer explained the access to the community would be from Lufts Road and connects to Erica Boulevard. She reviewed the dry retention areas within the FPL easement, internal roadway system, buffers surrounding the community, the recreation areas that include a center with a pool, cabana, multi-purpose sports court, passive park with fitness trail, picnic areas and buffer trail. She also reported that the development has received traffic concurrency.

Mayor Pinto opened and closed public comment with no response.

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

6. Public hearing for second reading and adoption of Ordinance No. 902 and approval of Application No. 17-0070 (RZ), an application by Cotleur & Hearing. The applicant is seeking a rezoning of a parcel of land totaling 5.55± acres, more or less, from the Townhouse Residential zoning designation to the General Commercial (CG) zoning district, located at 10701 Okeechobee Boulevard. * Agent: Donaldson Hearing, of Cotleur & Hearing. (P & Z Director)

This was quasi-judicial and the Village Attorney swore in all who will speak and asked for ex-parte disclosures.

The Village Attorney read into the record Ordinance No. 902 by title only.

The P & Z Director stated this is second reading for this ordinance. Staff considered compatibility with adjacent land use, consistency with the Comprehensive Plan in conformance with the General Commercial zoning district, development standards in Section 26-89, specifically as it relates to parcel size, parcel width, setbacks and pervious area. The Local Planning Agency and staff recommended approval.

The applicant was present for questions but did not wish to speak.

Mayor Pinto opened and closed public comment with no response.

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

- 7. Public hearing for second reading and adoption of Ordinance No. 991 amending Chapter 8. Elections of the Village Code of Ordinances to provide that the Village of Royal Palm Beach shall hold its next municipal election on March 17, 2020, in conjunction with the Presidential Preference Primary Election. (Village Manager)**

The Village Attorney stated this is the second reading. This ordinance is to accommodate the Supervisor of Elections and the Presidential Preference Primary Election date and change the Village's General Election date from the second Tuesday in March to the third. March 17, 2020 coincides with the Presidential Preference Primary Election and changes the Municipal qualifying period accordingly to the first seven business days in December 2019.

Mayor Pinto opened and closed public comment with no response.

The Village Attorney read into the record Ordinance No. 991 by title only.

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

ADJOURNMENT

Mayor Fred Pinto

Diane DiSanto, Village Clerk