

Agenda Item No. C-1

VILLAGE OF ROYAL PALM BEACH
Agenda Item Summary

AGENDA ITEM: Approval of Council Regular Meeting minutes of January 17, 2008.

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

RECOMMENDED ACTION: Motion to Approve

Initiator	Village Manager Approval	Agenda Date	Village Council Action
Village Clerk		02/07/08	

**VILLAGE OF ROYAL PALM BEACH
MINUTES OF COUNCIL REGULAR MEETING
VILLAGE MEETING HALL
THURSDAY, JANUARY 17, 2008
7:00 P. M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

Mayor David A. Lodwick	-	Present
Vice Mayor David Swift	-	Absent
Councilman Matty Mattioli	-	Present
Councilman Fred Pinto	-	Present

Also present were the Village Manager, Village Attorney and the Village Clerk.

PRESENTATION BY PAT GLEASON REGARDING AN ALTERNATIVE SOLID WASTE DISPOSAL SITE

Ray H. Schauer, Director of Engineering and Public Works for the Solid Waste Authority, made the presentation regarding the planning of the new land fill site to be located 6 miles west of 20 mile bend and 8 miles south of County Road 880. He introduced the staff that was present and provided an overview of the Solid Waste Authority. He reviewed a map of the present system including the 1600 acres of this proposed disposal site. He reviewed the main campus for the SWA which is a 1600 acre site located north of 45th Street, noting that the SWA handles over 2 million tons of waste a year in Palm Beach County. The main campus includes the following: a class one land fill, a class three land fill, compost facility, residential materials recycling facility, a commercial materials recycling facility, and a waste energy facility. He reviewed the current land fill capacity and stated that if improvements aren't put in place the existing facility will only last until 2021. He reviewed the refurbishment of the existing waste energy facility which will allow it to operate for the next 20 years. He reported on the provisions that will be needed for the disposal of ash, residue and bypass material. The planning time line shows that a new facility will need to be in place by 2015. The new land fill will have a planned capacity of 210 million cubic yards and 50 years of land fill capacity. The plans that are in place to expand the waste energy facility will prevent it from reaching capacity for another 50 years. Once all programs are in place the solid waste disposal needs for Palm Beach County will be addressed for the next 100 years.

Colleen Walter, Kilday and Associates, also representing the SWA made the following presentation. She stated that the SWA is being proactive in obtaining the extensive studies, permitting and analysis needed to create and develop this land fill. She reported that following Hurricane Andrew the debris that was generated took up 20 years of capacity in the Dade County land fill. She gave a brief history on how the SWA worked with the Palm Beach County Commissioners and the South Florida Water Management District along with the property owners in the western communities to acquire this 1600 acre site which is accessed from the Atlantic Sugarmill Road. The site was purchased in 1996 and adopted into the Palm Beach County Comprehensive Plan. The property is rectangular in shape with a 600 foot wide FPL easement with major and secondary transition lines. Dividing the site is a 1000 foot levy that surrounds the Loxahatchee Reserve. The land fill is approximately 790 acres and will be located at the western portion of the property. The proposed landfill will be setback 4,300 feet from the western edge of the levy and will be a mile from the Loxahatchee National Wildlife Refuge. She explained the many studies that have been done on the site along with the drainage. She stated that there will be no negative impact on the agriculture in the area. Ms. Walter reported that the Village of Royal Palm Beach is closer to the north land fill than this land fill. A discussion was held on the compatibility of the public use facility. She stated that the SWA currently operates the north county facility directly adjacent to the Grassy Water Preserve and the City of West Palm Beach water supply and commented there has been no negative impact over the past 15 years. Ms. Walter reported that rezoning on the site has been proposed; however, Palm Beach County is requiring additional studies before the rezoning is considered. She also addressed the traffic impacts on the area and the Mayor expressed his traffic concerns. She reported that a traffic study has concluded that the major thoroughfare for this site from the east and west will be Southern Boulevard. The traffic studies show upon completion in 2015, Southern Boulevard will adequately handle the additional trips.

Mayor Lodwick explained that the Council has no jurisdiction or authority to approve or deny the plan and the presentation was made as a courtesy to keep the residents informed.

PRESENTATION BY CHUCK D. COHEN, EXECUTIVE DIRECTOR, PALM TRAN REGARDING A NEW ROUTE DEVIATION SYSTEM FOR THE VILLAGE OF ROYAL PALM BEACH

Chuck Cohen, representing Palm Tran presented a new route deviation service, the “gold link”, which will service Royal Palm Beach. Mr. Cohen reviewed the two existing routes which serves approximately 33,000 people per day. He noted in 2007 Palm Tran served over 10 million riders. He explained that the Palm Tran Connection service enables

riders with ADA requirements to get to fixed route buses. He reported that Palm Tran is going green with the following changes: 1) Nitrogen is being placed in the bus tires to prevent wear and tear and increase gas mileage; 2) Palm Tran is buying buses with cleaner engines with a black light purification system; and 3) using a 20% biodiesel fuel mix. Mr. Cohen reported that the new service called the "link" will have a bus connection that goes off the fixed route to pick up one or two persons at a time. The fixed route averages 23 to 24 persons per hour. This particular gold route will use a 20 passenger bus/van that will run one day a week in areas that are not presently served by the fixed Palm Tran route. These vans may be flagged down anywhere along their route. Mr. Cohen showed the gold route area which will run from Palms West Hospital at Southern Boulevard to Okeechobee Boulevard and Royal Palm Beach Boulevard via Crestwood Boulevard. He stated that some of the points of interest will be Publix, Walgreens, Royal Palm Beach Library, Albertson, Medical Center and Palms West Hospital. He also stated that a State Grant has been secured in order to add this Palm Tran gold route which will start on February 12, 2008.

REPORTS

Mayor Lodwick directed staff to repair street lights that are out around the Village along with the street lighting at the entrance into the Cultural Center.

Councilman Pinto reported 1) that he will be giving an update at the next meeting regarding the Cypress Trail elementary school expansion. He continued stating that he received a report from the School District indicating that they will not support the Principal's request for the renovations.

The Village Manager gave an update on the prior request by Council pertaining to scheduling a meeting with the School Board to discuss the school expansion and noted he was in the process of trying to secure a date.

Councilman Mattioli reported on a recent ¼ cent sales tax meeting which showed reports of declining enrollment of 3,000 less students this year. They expect additional declines in enrollment over the next several years and as a result are not interested in expanding or adding new schools.

PETITIONS - None

STATEMENTS FROM THE PUBLIC - None

CONSENT AGENDA

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

1. **Approval of Council Regular Meeting minutes of November 15, 2007, December 6, 2007 and December 20, 2007. (Village Clerk)**
2. **Approval and authorization for the Village Manager to enter into Consultant Services Authorization No. 33 with Erdman Anthony of Florida, Inc. to perform construction observation services for private development within the Village of Royal Palm Beach. (Village Engineer)**
3. **Approval and authorization for the Village Manager to execute Consultant Services Authorization No. 34 with Erdman Anthony of Florida, Inc. for \$1,862.50. (Village Engineer)**
4. **Adoption of Resolution No. 08-02. A resolution of the Village Council of the Village of Royal Palm Beach, Florida, providing for the adoption of general policies concerning the collection of social security numbers by the Village and the dissemination of those kept by the Village; further, adopting a written social security number collection policy statement in accordance with Chapter 119, *Florida Statutes*; providing an effective date; and for other purposes. (Director of Human Resources)**
5. **Approval and authorization to contribute \$300.00 to the American Legion Auxiliary Unit 367 to sponsor a junior from the Royal Palm Beach Community High School for the Girl's State Program. (Village Manager)**
6. **Approval of a Special Event Permit application for South Florida Federal Partners to hold a groundbreaking ceremony event at 9300 Belvedere Road on Friday, January 18, 2008. (Senior Planner)**

Councilman Mattioli made a motion to approve; seconded by Councilman Pinto. Mayor Lodwick put the motion to a vote and it passed unanimously.

REGULAR AGENDA

1. **Approval of Variance Order No. 08-01 granting a variance from the side setback regulations of Section 26-80 (4)(e) of the Village Code, to permit a reduction of the side setback from seven and a half (7.5) feet to one (1) foot in order to retain a roofed patio structure constructed without a permit at the residence located at 10613 Misty Lane. (Senior Planner)**

This was quasi-judicial and the Village Attorney swore in all who will speak on this issue. The Senior Planner made the presentation and showed the existing structure in the backyard which shows the roof extends to the fence line which is one foot from the property line. He continued to state that the applicant is requesting a 6 ½ foot variance on the setback. He stated that the Planning and Zoning Commission along with staff is recommending denial of this application and stated the reasons as follows: the application does not meet variance criteria, there are no special conditions that exist, and granting of this variance will convey a special privilege to the applicant.

Melanie Brewer and Robin Probert, owners, requested the variance be granted for the roof that was constructed over an existing deck. Ms. Brewer explained that the deck was originally built around a tree which was uprooted by Hurricane Frances and therefore the roof was constructed for shade that the tree had previously provided. A permit was not applied for when constructing the roof; however, the applicant is seeking approval for the variance and submitted the attached letters of support from three of their neighbors.

Mayor Lodwick explained the area and stated it was attractive and well landscaped. Mayor Lodwick clarified the variance process and acknowledged and thanked the applicant for the support letters submitted by neighbors. Clarification was again made on the criteria to approve a variance application and the Senior Planner stated that the Village Attorney has reviewed the application and determined that it does not meet the criteria for approval. Further discussions were held on the design and layout of the house. The Senior Planner explained the 20 foot separation between the house and property line, which by code would allow a 12 ½ foot porch overhang. Councilman Pinto asked for clarification on the length of the roof. The Senior Planner stated the roof extends out to one foot from the property line. He again clarified that as there is 20 feet from the house to the property line, along with code allowing for a 7 ½ foot setback, a 12 ½ foot porch would be within code compliance.

Ms. Brewer asked for clarification on the structure and whether or not it would include the framework or posts. The Village Attorney stated it is any part of the structure that is permanently attached. A discussion was held on different ideas to solve the variance issue and the Director of Community Development added that these types of issues come up on a daily basis with Code Enforcement, and he asked that Council keep this in mind when making a decision. Mayor Lodwick asked the owners to work with the building department staff to come up with a reasonable compromise.

Councilman Mattioli made a motion to continue to February 7, 2008; seconded by Councilman Pinto. Hearing no further discussion or public comment, Mayor Lodwick put the motion to a vote and it passed unanimously.

- 2. Public hearing for approval of Application No. 06-08 (G) (SPM) – an application by Minto Communities LLC and adoption of Resolution No. 08-03 confirming Council action. The applicant is seeking a major site plan amendment approval in order to separate the development into 3 phases and other minor variations from the approved site plan for a 443 unit residential Planned Unit Development on a parcel of land totaling 250.59 acres more or less, located on the north side of Okeechobee Boulevard, west of Target. (Senior Planner)**

This was quasi-judicial and the Village Attorney swore in all who will speak on this issue. The Senior Planner stated that the application consists of a rephrasing of the project and site plan modification. The proposed phase one includes 264 homes; phase two includes the recreational pod; and phase three is the remaining development. The Senior Planner is requiring four additional conditions of approval: 1) Subdivision improvements for Phase 1 shall be completed, in accordance with Village Code, within 12 months or forfeiture of the bond to the Village for the completion of the improvements shall occur; 2) In regards to Phase 2, a building permit for the recreation center shall be applied for prior to the issuance of a Certificate of Occupancy for the 100th home and a Certificate of Occupancy for the recreation center shall be issued prior to issuance of a Certificate of Occupancy for the 175th home; 3) Provide a bond to the Village for the subdivision improvements for Phase 3. The subdivision improvements for Phase 3 shall be completed, in accordance with Village Code within four years from January 17, 2008, the date of Village Council approval, with the possibility of one, two year time extension. Forfeiture of the bond to the Village in order to complete the subdivision improvements shall occur at the end of four years or the two year extension and only with the Village's approval. A cost estimate for the subdivision improvements shall be performed yearly for the duration of the bond and the value of the bond shall be adjusted to reflect the cost estimate.

The Village Manager clarified with the applicant the bond issue discussed previously. The Village Engineer responded stating that the performance bond has to be taken until it expires and each bond in the future will continue to have that provision. The Senior Planner added it is included in the newly added conditions of approval.

Al Malefatto, Minto Communities, agreed with the conditions of approval and the all language included regarding the bond.

Mayor Lodwick confirmed that the area behind the LaMancha subdivision is phase one. He also stated he supports the phasing. Mayor Lodwick again explained the bond issue discussed. Councilman Mattioli confirmed with the applicant that phase two was the recreation area and clubhouse. Councilman Mattioli made a motion to approve; seconded by Councilman Pinto. The Senior Planner stated that the first part of this request is for the phasing of the development and the second is a site plan modification to repair and provide additional fencing along the residential property line. The Senior Planner stated that part of this application was to remove the two fountains which had been originally approved, but the applicant is withdrawing that request and the two fountains will remain per the previously approved site plan. The Senior Planner stated that architectural improvements will have a slight color change from a coral to a light beige. Mayor Lodwick commented on the improved drainage for the existing residents in the LaMancha subdivision due to this project. The Village Attorney read Resolution No. 08-03 into the record by title only. Hearing no further discussion or public comment, Mayor Lodwick put the motion to a vote and it was passed unanimously.

- 3. Public hearing to approve Application No. 07-07 (SP) an application by SS Development, LLC and the adoption of Resolution No. 08-05 confirming Council action, the applicant is seeking site plan approval for a 149,406 square foot self-service storage facility, 4,400 square feet of retail uses and truck rental in the Commercial General (CG) zoning district, on the south side of Fox Trail Road South, approximately 555 feet west of State Road 7. Agent: Russell C. Scott, Urban Design Studio. (Senior Planner)**

This was quasi-judicial and the Village Attorney swore in all who will speak on this issue. The Senior Planner stated this is part of the Fox property DRI. Mayor Lodwick explained that this property was previously approved by Palm Beach County and as it was annexed into the Village, the Village has worked with the property owners to assure that their DRI rights as approved by Palm Beach County are preserved. He also noted there are no additional approvals requested or granted. The Senior Planner stated that the Village's code does not allow self storage units in the General Commercial zoning; however, the FOX Property DRI does allow for it. There is a request for 5 parking spaces for rental trucks and the Village's code only allows 2. The applicant is requesting a building height of 35 feet while the Village only allows 32. The applicant has agreed to a 25 foot landscape buffer between their property and the residential property; however, the DRI only requires a 10 foot landscape buffer. The Senior Planner reviewed the following recommendations made by the Planning and Zoning Commission: 1) the

architectural color of Portobello be extended two feet from the ground; 2) change the 9 sable palms along the north property line to Royal Palms; 3) no businesses shall be conducted in the storage bays and the doors for the storage bays shall match the Ramie color; 4) no door handles shall be on the exterior for the fire department access doors. The Senior Planner did not support the last request of the Planning and Zoning Commission.

Russell Scott, stated the applicant would agree to any requirements for the fire access doors but would have to adhere to the fire regulations. He stated this is the last portion of the Fox DRI which is located next to the Golden Coral. He reviewed the dry detention area in the front of the secured building which includes a six foot wall surrounding the property. Mr. Scott also commented that the impact on the surrounding property will be minimal. He also reported that there will be a night watchman on the site around the clock with some opportunity for commercial/retail in the front of the building.

Councilman Mattioli confirmed with the applicant that there will be no outside storage or repairs. The Mayor asked where the storage of trucks will be designated and Mr. Scott responded that all trucks will be parked inside the fenced area. Mayor Lodwick asked about the lighting plan in the rear of the site and Mr. Scott replied there are no lights. Mayor Lodwick asked about the signage and Mr. Scott responded stating that the signage will come back through review, however, they anticipate only a small monument sign. Mayor Lodwick confirmed there is no direct access off Okeechobee Boulevard and Mr. Scott responded stating the only access will be off Fox Trail Road. Mr. Scott acknowledged that there will be egress off to State Road 7.

Councilman Mattioli made a motion to approve; seconded by Councilman Pinto. The Village Attorney read Resolution No. 08-05 into the record by title only. Hearing no discussion or public comment, Mayor Lodwick put the motion to a vote and it passed unanimously.

- 4. Public hearing to approve Application No. 05-11 (SPM,LW) an application by Palm Beach County Facilities Development and Operations and the adoption of Resolution No. 08-04 confirming Council action, the applicant is seeking site plan modification approval for a 12,530 square foot expansion of the existing 7,995 square foot library on a 3.534 parcel of land; and a Landscape Waiver through the adoption of LW 08-01 for property located on the south side of Okeechobee Boulevard and approximately 1/4 mile west of Royal Palm Beach Boulevard. Agent: Melanie Borkowski, Palm Beach County Facilities Development and Operations. (Senior Planner)**

This was quasi-judicial and the Village Attorney swore in all who will speak on this issue. Melanie Borkowski was present and introduced Bob Halula, Slattery & Associates who made the presentation. He showed aerials of the property and the proposed site plan which includes an additional 1.4 acres of land that was acquired for additional parking and storm water retention. He stated that there will be a new entrance and access will be off Okeechobee Boulevard via Civic Center Way. The existing library was constructed with a knock out wall for expansion. The old library will be converted into a children's library. The exterior of the building will have a light green standing seam metal roof with decorative brackets. The exterior walls will be a light texture stucco painted windham cream, the base of the building will have medium texture with bradstreet beige, the entry way will have a dry stack simulated stone and there will be a sunscreen over the windows with decorative brackets with sun controlled Bahamas shutters and a pre-molded cornice trim. The project is anticipated to be under construction approximately 12 months. Mayor Lodwick stated that a bond issue was approved by voters to make these improvements.

Councilman Mattioli made a motion to approve; seconded by Councilman Pinto. The Village Manager stated that in the current staff report and the conditions submitted to the applicant, condition 2B will be removed which requires the applicant to pay a fee of \$5,000 towards the placement of a bus shelter. Ms. Borkowski offered a bookmobile that may be placed on the site or in the Cultural Center or Village Hall parking lot. She stated that electricity and data will be needed to operate the bookmobile. The Village Attorney read Resolution No. 08-04 into the record by title only and noted that condition 2B will be removed from the conditions of approval and a condition will be added that states the applicant shall work with staff to come up with a location for a bookmobile. Hearing no discussion or public comment, Mayor Lodwick put the motion to a vote and it passed unanimously.

5. Public hearing for adoption of Resolution No. 08-01 confirming Council action to formally change the name of Camellia Park Drive to Seminole Palms Drive and to provide for the use of this Village owned roadway as a public access right-of-way. (Village Engineer)

The Village Engineer stated that when the Seminole Palms plat was approved the Village created the right-of-way for Seminole Palms Drive from the east side of Camellia Park to Lamstein Lane. The approval of Resolution No. 08-01 will formally change the name of a local roadway "Camellia Park Drive" to "Seminole Park Drive" in order to provide for the same name as the right-of-way as shown on the plat of Southern Palm Crossing.

Councilman Mattioli made a motion to approve; seconded by Councilman Pinto. The Village Attorney read into the record Resolution No. 08-01 by title only. Hearing no discussion or public comment, Mayor Lodwick put the motion to a vote and it passed unanimously.

ADJOURNMENT

Mayor David A. Lodwick

Diane DiSanto, Village Clerk

To whom it may concern:

Regarding the property located at 10613 Misty Lane in Counterpoint Estates; we are aware that the residents have requested for a variance and we do not have any objections with the porch roof remaining as is. Thankyou for your consideration.

*Mare S. West
10599 misty lane
RPO FL
33411*

To whom it may concern:

Regarding the property located at 10613 Misty Lane in Counterpoint Estates; we are aware that the residents have requested for a variance and we do not have any objections with the porch roof remaining as is.

Thankyou for your consideration.

X Thomas Zoy 10627 Misty Ln R.P.B. 33411

To whom it may concern:

Regarding the property located at 10613 Misty Lane in Counterpoint Estates; we are aware that the residents have requested for a variance and we do not have any objections with the porch roof remaining as is.

Thankyou for your consideration.

*Drew A. Lawton
10612 Misty Lane
Royal Palm Beach, FL 33411*