

**VILLAGE OF NORTH PALM BEACH  
PLANNING COMMISSION  
REGULAR MEETING MINUTES  
TUESDAY, APRIL 2, 2019**

Present: Donald Solodar, Vice Chair  
Thomas Hogarth, Member  
Benjamin Schreier, Member (arrived at 6:34 PM)  
Jake Furlott, Member  
Jonathan Haigh, Member  
Lori Rainaldi, Member

Erin Sita, AICP, Interim Planner  
Len Rubin, Village Attorney

Council Member: David Norris, President ProTem

Not Present: Cory Cross, Chairman

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I. CALL TO ORDER

Vice Chairman Solodar called the meeting to order at 6:31 PM.

IA. ROLL CALL

All members of the Planning Commission were present, except Mr. Cross who was absent. Attorney Len Rubin advised that as Ordinance 2019-01 has taken effect, the Board is now comprised of regular members.

II. APPROVAL OF MINUTES

The Minutes of the March 5, 2019 Regular Meetings were approved as written.

III. DELARATION OF EX PARTE COMMUNICATIONS

There were no Ex Parte Communications declared by the Board.

IV. QUASI JUDICIAL MATTERS / PUBLIC HEARING

Attorney Len Rubin swears in all persons speaking.

**A. CERTIFICATES OF APPROPRIATENESS**

**1. COA PROJECT 2019-0291 – 715 Northlake Blvd.**

Request: An application filed by George Johnnides on behalf of J. Marino & Sons LLC, requesting a Certificate of Appropriateness (COA) to increase the size of two (2) storefront windows on an existing building.

Mrs. Sita presented the Staff Report and recommendations. The applicant is proposing to enlarge two windows along the front façade of the building, facing Northlake Boulevard. The new windows will be constructed with

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clear, impact glass as required by the Florida Building Code. Staff is recommending approval of the windows with the condition that prior to the issuance of the building permit for the proposed project, the prior work without a permit issue, and an open fire wall permit for interior construction, be closed. These are not associated with the current contractor for this particular project, but because it is on the same site, Building staff has been working them to get the issues closed.

Eric Johnnides, Builtmore Contracting, was present to represent the project.

The Board asked whether the window frames will match the existing windows, are there any further plans or drawings being submitted, will the windows meet the new energy calculations, and with the windows being so close to the parking lot, are bollards required for safety.

*Motion:* Mr. Furlott moved to approve the application with the condition that all open and expired permits be closed out before a permit for this requested improvement will be issued. Mr. Hogarth seconded the motion, which passed 6-0.

**2. COA PROJECT 2019- 0295 - 742 US Highway 1**

Request: An application, filed by Donnie Bennett Lighting on behalf of 1501 Broadway LLC, requesting a Certificate of Appropriateness (COA) for a face change of the existing monument sign.

Mrs. Sita presented the Staff Report and recommendations. Applicant is requesting a Certificate of Appropriateness (COA) for a face change to the existing monument sign. The monument sign face had previously been approved to reflect The Recovery Team, which was approved last year. The change is a similar use, treatment center, as well. The property has been sold and will be rebranded as Beach House. The new sign is proposed to have a white background with Beach House in blue letters. The sign face will include a square shaped graphic, which depicts an illustration of a sun with rays in yellow, blue stripes and beige at the base of the graphic. The address number will remain at the same location: the bottom of the sign. Staff is recommending approval.

Eric Johnson, Bennett Lighting, was present to represent the project.

The Board's comments and discussion were regarding whether the sign is vinyl mounted on stucco; members would rather see pin mounted letters on stucco and prefer to see lettering similar to the previous Recovery Team sign; concern about fading of the colors; suggested the sun logo be a solid piece and not segmented. The applicant stated he would need to speak with his client regarding the Planning Commission recommendations. Staff will work with the applicant to get them back on the agenda.

*Motion:* Mr. Hogarth moved to Table the application. Mr. Schreier seconded the motion, which passed 6-0.

**B. ZONING/SITE PLAN APPLICATIONS**

**1. Minor Site Plan Amendment 2019-0357 – 800 US Highway 1**

Request: An application filed by Bank of America NA, requesting a minor site plan amendment to modify the drive through lanes, adding a drive-up ATM, fencing and site lighting.

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Mrs. Sita presented the Staff Report and recommendations. The proposed site plan requests a minor modification of the existing conditions of the drive through lanes, fencing and site lighting. The property is in the CA, Restricted Commercial District. The lanes are proposed to be modified to accommodate a new drive up ATM in place of one of the drive through lanes that are currently served by bank tellers during bank operating hours. To accommodate the new ATM in Lane 3, it will require widening of the concrete island (between Lane 2 and Lane 3) and therefore cause Lane 2 to be eliminated (it will become too narrow for a vehicle to pass through). The vehicle lanes will be repainted to direct vehicle traffic into either Lane 1 or Lane 3. In addition, bollards will be installed to prevent vehicular access through Lane 2.

There is currently a 6 foot high, black vinyl fence (with black slats) at a length of 47'1", along the outside of Lane 3. It was installed by permit number 2016-1994 in December 2016. This application proposes to extend the fence an additional 49' 7" to the northwest ("exit" side of the drive through lanes). As determined upon review of the permit issued in 2016, the applicant was not to remove the landscaping alongside the fence. The landscaping there today consists of crepe myrtle trees, but hedges are no longer intact.

Site lighting is proposed to be improved in and around the drive through lane area. In particular, the proposed fixtures include:

- Four (4) new, under-canopy lights to ensure the proper foot candle lighting is achieved within a 5-foot radius of the new ATM;
- One (1) wall-mounted light fixture to match the existing wall pack fixtures;
- One (1) new pole matching the existing poles and light fixtures, with an added back light shield kit to cut off light behind the fixture.

Staff is recommending approval with three (3) conditions (see below) of the proposed minor site plan amendment for the drive through lane modifications and addition of a new ATM:

- The applicant shall install a clusia hedge between the existing crepe myrtle trees on the exterior face of the new fencing;
- The light temperature of site's fixtures shall be 3000K or less; and
- Add additional shielding to the light fixture along the eastern property line to the impact of the commercial lighting on the adjacent residential properties.

Eric Stickler, Infinity Engineering Group, was present to represent the project.

The Board discussed with the application items regarding the lighting pouring into neighborhood; placement of bollards to close drive thru lane, include row of buttonwood plantings along fence; placement of a trunk style tree for the canopy; possibility of widening lane 2 to accommodate the AMT machine and narrowing lane 3 to keep ATM lighting closer to building; concern about the dark fencing and safety concerns;

Motion: Mr. Haigh moved to approve the application with staff's recommendations to include a calusia hedge along length of eastern property line at a height of 6 feet, from the beginning of the fence forward, and a height of 4 feet or less to the southern property line with the addition of silver buttonwoods; explore a Type 2 or 3 Optic and revise photometric plan out to the end of service road, right up to the residential property line; revise temperature down to 3,000K; and shield light from residential area. Mr. Hogarth seconded the motion, which passed 4-2 with Mr. Schreier and Mr. Furlott voting nay.

**C. LAND DEVELOPMENT CODE TEXT AMENDMENT**

**1. Sec. 45-36 General Provisions - Walls and Fences**

An ordinance amending Sec. 45-36(D) of the Village Code (General Provisions - Walls and Fences) to require that fences be limited to 4 feet in height for a distance of 10 feet from the side property line for "back to back" corner lots. For corner lots where the rear yard abuts the front yard of an adjacent property, fences will still be limited to 4 feet in height from the side property line to the front building line of the adjacent property.

Mrs. Sita and Mr. Rubin presented the background information regarding the issue of the height of walls and fences on corner lots. In 2009, an issue arose with respect to "back to back" corner lots and whether walls or fences could not exceed four feet from the side property line for a distance equal to the required front yard setback when there is no adjacent front yard. The Zoning Board of Adjustment, and the Board, by consensus, "supported Staff's interpretation that would allow a six-foot wall on the property line where two corner lots are 'back to back' with no access points (driveways) on side yards." Six-foot walls and fences up to the side property line on back to back corner lots have been permitted since that time, however, a few residents challenged this interpretation, asserting that a six-foot fence on the property line resulted in a "closed in" feeling along the adjacent sidewalks and negatively impacted the aesthetics of the Village's residential neighborhoods. A number of such fences have been erected recently, some in an effort to screen boats and recreational vehicles stored on the lot. Village Council directed Staff to prepare an Ordinance that would limit the height of fences and walls along the side property line of back to back corner lots to four feet for a distance of ten (10) feet from the property line.

Mr. Rubin explained that the Ordinance will also clarify that the general limitation on the height of walls and fences in front yards applies between the property line adjacent to the right-of-way and the "front building line," in lieu of the "front setback." Section 45-2 of the Village Code defines "front, side and rear line" of a building to include both the main portion of the building and all projections therefrom, including any garage, carport or an extended roof beyond the normal eave or cornice forming a cover or roof over an entrance to such building. Thus, the Ordinance references the actual front plane of the building instead of the required front setback to prevent six-foot walls and fences from being placed in front of the primary structure where the front yard setback is greater than what is required under the Zoning Code. The front plane of the adjacent building will also be utilized for corner lots where the rear yard of one lot abuts the front yard of an adjacent lot.

Mr. Bill Whiteford, 501 Marlin Rd., spoke about his involvement in bringing the issue to Council's attention. He showed the Planning Commission the presentation he made to the Village Council regarding the fencing issue.

The Planning Commission members discussed the issue of Boats & RVs needing to be screen by a fence or hedge; support of lower fence height closer to sidewalks and supplementing with hedges; the height of hedges along waterways and golf courses;

*Motion:* Mr. Hogarth made the Motion to recommend to Village Council to Amend Section 45-36(D) of the Village Code addressing height of walls and fences on residential corner lots, and to include editing "front building line," in lieu of the "front setback." Mr. Haigh seconded the motion. The Motion passed 4-2, with Mr. Schreier and Mr. Furlott voting nay.

**V. ADMINISTRATION MATTERS**

**A. Staff Updates:**

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- New Community Development Director, Jeremy Hubsch, starts this month.

**B. Commission Member Comments:**

The Planning Commission members made comments on the following items:

- Mr. Furlott asked if the Country Club restaurant provider has been secured.
- Mr. Solodar advised that he will not be available for the next Code Workshop on April 16<sup>th</sup>.

**VI. ADJOURNMENT**

With there being no further business to come before the Board, the meeting adjourned at 8:15 P.M.

Minutes typed by Jane Lerner