



**VILLAGE OF NORTH PALM BEACH
PLANNING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, JULY 7, 2020**

Present:

Cory Cross, Chairman
Donald Solodar, Vice Chair
Thomas Hogarth, Member
Jake Furlott, Member
Jonathan Haigh, Member
Lori Rainaldi, Member
Kathryn DeWitt, Member

Len Rubin, Village Attorney
Jeremy Hubsch, Community Development Director
Justin Revis, Planner
Michael Applegate, IT Director

Council Member:

Debra Searcy, Council Member

In accordance with Governor Ron DeSantis' Executive Order No. 20- 91 and Executive Order No. 20- 69, the meeting was conducted electronically, via internet access or telephone. The Planning Commission members, Village staff and COA applicants attended via internet connection or telephonically.

I. CALL TO ORDER

Chairman Cross called the meeting to order at 6:30 PM.

IA. ROLL CALL

All members of the Planning Commission were present.

II. APPROVAL OF MINUTES

The Minutes of the June 2, 2020 Special 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 2020-1125: California Design Center**
Location: 212 US Highway 1

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Request: An application submitted by Brian J. Marder on behalf of RJR ML LLC, requesting Certificate of Appropriateness (COA) approval in order to install a sign.

Mr. Revis presented the Staff report and recommendation. The applicant is proposing to install a wall sign and resurface an existing ground/monument sign for the property. The wall sign will be mounted to the front facade of the structure, set back 100.1 feet from the property line. The existing monument sign is currently located close to the center of the front property line, set back 5.4 feet from the side property line along US Highway 1. The monument sign will not be moved only resurfaced. A COA review and finding by the Planning Commission for this project is required for compliance with the Village's Appearance Code. Staff requests the following conditions be included as part of the Commission's approval:

1. Applicant shall obtain all necessary governmental permits and approvals for the sign.
2. Hedge must be installed a minimum of 30 inches high and not more than 18 inches apart.

The Planning Commissions members were supportive of the design and colors, and had no discussion.

Motion: Mr. Solodar moved to approve the application with Staff's recommendation as presented. Ms. DeWitt seconded the motion, which passed 7-0.

2. COA 2019-2161: 844 PROSPERITY FARMS CORP Fence (Continued from June 2, 2020)

Location: 844 Prosperity Farms Road

Request: An application submitted by Leib Ezagui on behalf of the 844 Prosperity Farms Corporation, requesting Certificate of Appropriateness (COA) approval in order to build a fence.

B. ZONING/VARIANCE APPLICATIONS

1. PROJECT 2020-0353: 844 Prosperity Farms Corp - VARIANCE

Request: An application submitted by Leib Ezagui on behalf of the property owner 844 PROSPERITY FARMS CORP, requesting a VARIANCE from section 45-36(D) [General Provisions] of the Village Code of Ordinances in order to install a 5-foot high fence within the front and side setback, rather than be limited to a 4-foot fence on the side (west) and no fence along the front (north) as required by Code.

Mr. Revis presented the updated submission from the applicant. As the materials were submitted late, Staff could not provide appropriate analysis and staff reports in time for the meeting. Mr. Revis states that the issues identified at the June meeting have been addressed and that the wall goes around the fire hydrant and water meter, with the approval of the Fire Department.

The Planning Commission members discussed their support of the wall set back from sidewalk, the proposed wall height and placement by the parking lot, and recommend that a landscape plan be included for the 2 ft. landscape buffer in front of the wall. The Commission also recommended to continue the items until the next planning commission meeting so they have an opportunity to review the revised plans further, which were not included in the meeting packet. They also requested a new staff report.

Motion: Mr. Solodar moved to continue the application to the next meeting on August 4, 2020. Mr. Hogarth seconded the motion. The Motion passed 7-0.

C. PLANNED UNIT DEVELOPMENT MODIFICATION

1. **PROJECT 2020-0413: Prosperity Harbor North PUD**

Request: An application submitted by David Milledge, ESQ on behalf of Joseph Little with the approval of Prosperity Harbor North Master Association, INC., to make a major amendment to the Prosperity Harbor North PUD for allowance and modification of waterside structures for the 12 properties abutting the Intracoastal Waterway.

Mr. Hubsch presented the Staff report and recommendation. The Applicant wishes to amend Exhibit "A" of Ordinance 01-2000, which provides for and regulates the location and placement of waterside structures for properties within the PUD. The Ordinance created specific standards for the placement of waterside structures for both interior and intracoastal lots. The request seeks to amend Exhibit "A" for intracoastal lots, which currently prohibits docks and allows only piers six feet in width with "L" and "T" heads, also limited to six feet in width on intracoastal lots. The Applicant is seeking to: (1) allow docks on intracoastal lots; and (2) allow "L" and "T" heads to be up to eight feet in width on intracoastal lots. The requested increase of "L" and "T" head width requires a waiver from Village Code Section 5-84(6) and triggers a Major Amendment to the PUD.

Mr. Hubsch provided a comprehensive history of the Ordinance and PUD background, detailed in the Staff Report. Staff has found the requested waiver from Section 5-84 (6) inconsistent with the Village's Code and is therefore recommending denial of the waiver.

David Milledge, Sr. Project Manager, Coutler & Hearing, was present to represent the project. Mr. Milledge made a presentation of the Applicant's requested waiver. The proposed request will continue to keep the code maximum of a 6' wide pier while allowing a "L" or "T" head to have a maximum width of 8'. This waiver is requested based on safety concerns caused by the height differential between the finished decking of the pier and the water level of the Intracoastal Waterway. The height difference between the top of the decking and the mean high-water mark (MHW) and mean-low water mark (MLW) is 5' and 10', respectively. After taking into account a vessel's freeboard, a disembarking passenger would have a large step up on the pier. To accommodate this height differential, the proposed 8' "L" head has a 5' wide platform which then steps down 2' over three steps. By lowering the height, this design provides greater safety for those passengers disembarking a vessel. Under current code requirements, the proposed L-head would only have a 3' wide platform which does not provide enough open space for staging purposes and therefore the addition of 2' is appropriate. The proposal has limited impact within the PUD and those navigating the Intracoastal Waterway as "L" and "T" heads are only permissible on Intracoastal lots and platforms must still be completely confined to the envelope shown on Exhibit A. The Applicant has received approval from the Army Corp of Engineers and the Florida Department of Environmental Protection. There are no presence of mangroves and a seagrass study was performed.

The Chairman opened the floor for public comments.

Joseph Little, 700 Sandy Point Lane, spoke in favor of the requested waiver.

As there were no further comments from the public, Chairman Cross closed the public comments.

The Planning Commission members discussed whether the need for this waiver was as a result of an accident or safety issue; whether there are other options to accomplish the same goal without needing a waiver; whether the recommendation was for a waiver or an amendment to the PUD; whether the proposed dock will extend into the intracoastal waterway or towards the seawall;

Motion: Mr. Hogarth moved to recommend to Village Council to approve the Amendment to the PUD as proposed, limiting the approval to the proposed strikethrough and underlined wording of Exhibit A, not to construe that dock plans are approved. Ms. Rainaldi seconded the motion. The Motion passed 7-0.

D. ORDINANCES

1. ORDINANCE NO. 2020-_____

An Ordinance of the Village Council of the Village of North Palm Beach, Florida, amending the Village's Land Development Regulations for the implementation of the Citizen's Master Plan.

Village Manager Lukasik presented the history and process of developing the Citizen's Master Plan. He provided information how the process started in 2016 with community meetings and the Charrette meetings, and Dover Kohl held workshops for residents. After two years of discussions and re-writes, the Code update is ready for the adoption process.

Jason King, Dover, Kohl & Partners, presented the Citizen's Master Plan Report. He discussed the key recommendations of the Master Plan, 1. Redefining US 1 by calming the corridor by reducing the roadway from six lanes to four lanes; beautifying the corridor by repurposing asphalt into a new streetscape design; balancing the mobility by designing the roadway for a superior pedestrian and bicycle environment; 2. Creation of the Form-Based Code to ensure private redevelopment complements public investments and contributes to realizing the vision; respond to market forces; establish predictability in the built environment and the approval process; maximize the waterfront; and provide incentives for desired patterns and forms of development. According to the Form-Based Code Institute, "A form-based code is a land development regulation that fosters predictable built results and high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. A form-based code is a regulation, not a mere guideline, adopted into city, town, or county law." The Master Plan had several recommendations to implement into a form-based code along the Village's commercial corridors, including: Allowing (but not requiring) mixed-use development; Allowing a market rate density up to 24 units per acre; Focusing less on uses; Ensuring a predictable built environment; Allowing parking to be replaced by liner buildings in large parking lots; Requiring consistent landscape design along the commercial corridors; and Streamlining the approval process for development that meets the code.

Bill Spikowski, Spikowski Planning Associates, was also present to discuss the Citizen's Master Plan Report. He presented information regarding new parking requirements along U.S. 1; the plan for building heights along U.S. 1; changes for Northlake Blvd (NBOZ); NBOZ would become a new zoning district; new waiver process for certain standards similar to a PUD process; addition of a pedestrian walkway to the Earman River; applying NBOZ landscape rules village-wide, key redevelopment sites (Crystal Cove Commons, Camelot and U.S. 1 at Shore Ct.); Creation of building frontage types and form-based development standards for new buildings. Establishment of a path for properties in the C-MU and C-NB to be granted waivers by the Planning Commission

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during the site plan approval process; and Increase in maximum residential density to 24 units per acre in commercial zoning districts.

Mr. Hubsch presented the additional changes made since the January meeting. Changes include reduced off-site parking distance from ¼ mile to 500 feet; ability for restaurants to count one public boat slip as one parking space; allow rooftop lounges, pools, and restaurants in the CMU district; and require projects that are granted waivers provide a public benefit, including, but not limited to: high-quality architectural design, pedestrian amenities, no cost dedication of rights-of-way, construction of public parking, public art or other improvements adjacent to the property, preservation of environmentally-sensitive lands, provision of public parks and/or open spaces, or mixed uses which reduce impacts on village services.

The Planning Commission comments include the burden placed on the Planning Commission in approving the set backs on US 1; why the building height issue is only addressed on U.S. 1 between Parker Bridge and Northlake Blvd.; concern regarding density along US 1 and the possibility of a linear look along US 1; concern about canopy trees along the sidewalk for pedestrians and impact of the power lines;

The Chairman opened the floor for public comments.

As there were no comments from the public, Chairman Cross closed the public comments.

Motion: Mr. Solodar moved to recommend to Village Council to approve the amending of the Village’s Land Development Regulations for the implementation of the Citizen’s Master Plan. Ms. Rainaldi seconded the motion. The Motion passed 7–0.

2. ORDINANCE NO. 2020-_____

An ordinance of the Village Council of the Village of North Palm Beach, Florida, amending the Village of North Palm Beach Comprehensive Plan to implement the Citizen’s Master Plan and address the village’s commercial corridors; amending the future land use element, the transportation element and the capital improvements element.

Motion: Mr. Solodar moved to recommend to Village Council to approve the amending of the Village of North Palm Beach Comprehensive Plan to implement the Citizen’s Master Plan and address the village’s commercial corridors; amending the future land use element, the transportation element and the capital improvements element. Ms. DeWitt seconded the motion. The Motion passed 7–0.

V. ADMINISTRATION MATTERS

A. Staff Updates: None

B. Commission Member Comments:

- The Lakeside Park parking lot is constantly full of vehicles and not everyone is a Village resident. Seems unfair to the Village residents who want to use the park and cannot. Chairman Cross asked that this topic be revisited at a future meeting, possibly August.

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- Recommendation to advertise the Zoom meetings on Facebook and the website to encourage more residents to participate. Mr. Hubsch advised that the meetings are being advertised on the Villages social media sites.
- Status of Planning Commission Board elections. Mr. Rubin advised that due to the COVID restrictions, Council has not made any appointments to the Village Boards, typically in May, and therefore each Board is in a “holding” pattern until further notice.

VI. ADJOURNMENT

With there being no further business to come before the Board, the meeting adjourned at 9:22 PM.

Minutes typed by Jane Lerner