



**VILLAGE OF NORTH PALM BEACH
PLANNING COMMISSION
REGULAR MEETING MINUTES
TUESDAY JULY 13, 2021**

Present:

Cory Cross, Chairman
Donald Solodar, Vice Chair
Thomas Hogarth, Member
Jonathan Haigh, Member
Scott Hicks, Member
Nathan Kennedy, Member

Len Rubin, Village Attorney
Jeremy Hubsch, Community Development Director
Alex Ahrenholz, Principal Planner
McKenna West, Planner

Not Present:

Kathryn DeWitt, Member

Council Member:

Debra Searcy

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I. CALL TO ORDER

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

A. ROLL CALL

All members of the Planning Commission were present except Ms. DeWitt. Mr. Haigh arrived at 6:31 PM.

II. APPROVAL OF MINUTES

The Minutes of the June 8, 2021 Regular Meeting were approved as written.

III. DECLARATION 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. SITE PLAN AND APPEARANCE REVIEW

Prior to the start of the agenda items, Mr. Hubsch asked the Chairman if Acting Public Works Director Chuck Huff could present a Village project for the Planning Commission's approval. Chairman Cross granted the request.

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Chuck Huff, Acting Public Works Director, made a presentation regarding the painting of Village Hall. It is the last of the Village buildings needing to be repainted. He presented two color choices for consideration; a gray and a beige. He explained the reason to change from the yellow is to provide a “campus” feel between the library and Village Hall, as the library was painted a beige color recently. Mr. Huff advised that he needs a recommendation tonight.

The Planning Commissions members discussed the colors the other Village building had been painted, such as the Public Safety Facility (yellow) and Anchorage Park (yellow). Several members of the Board expressed their dislike of the color choices presented, preferring the current Village yellow.

Motion: Mr. Solodar moved to recommend to Village Council that the building be painted Village yellow. Mr. Haigh seconded the motion, which passed 5-1, with Mr. Kennedy voting nay.

In light of the number of people present in person and via Zoom for the discussion of the Ordinance Items, Chairman Cross asked for those applicants present with items on the agenda, to present their agenda items first, therefore the agenda items were heard out of order.

2. 2021-0221- 300 Prosperity Farms Rd Master Sign Plan

Application by Kemp Signs on behalf of TSM Investments LLC, requesting approval for a master signage program.

Ms. West presented the Staff report and recommendation. The proposed Master Signage Plan for the 300 Prosperity Farms Road office building sets forth the general guidelines each tenant must follow in adding their signage to the outside of the building. The plan only addresses permanently affixed building wall signs. The guidelines are consistent with the Village Code of Ordinances, except where is noted that the signs may be up to 10% of the size of the building façade. According to regulation and existing building setbacks at 70 feet, the signage must be limited to 7% of the building façade. This is reflected in the two proposed signs, Fastest Labs and Wounded Veterans Relief Fund, which are both proposed to be 7% of the façade to which they will be affixed, and will be approved administratively with passage of the master sign program.

All signage for the building must follow the design specifications set forth. These include fabrication, installation, and color. Signs shall be plate cut aluminum, and fasteners should be hidden from sight. All signs must be color SIGN3241 (blue), unless custom company colors are to be used. Staff recommends the following conditions:

1. Size of signage shall be limited to 7% of the size of the building façade. Applicant shall modify the Design Requirements section of the guidelines to reflect this.
2. Applicant shall modify the Design Requirements and Fabrication Specifications sections in the Master Signage plan to allow company logos (50% size of sign area) and other company colors. Guidelines must indicate that signage shall be painted the default color if established company colors are not being used. A default font must be established.
3. Applicant shall limit the mounting height to 18 feet.
4. Applicant shall change the default signage color from blue to black.

Michael Grandinetti, Kemp Signs, 1740 Hill Avenue, West Palm Beach, was present to represent the project.

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The Planning Commissions members discussed whether the Board is approving a master plan and two signs; whether each tenant would have to have the same font and color; and the Board consensus that there is no need to change from blue to black font color.

Motion: Mr. Solodar moved to approve the application with Staffs recommendations, excluding condition #4, the color change from blue to black, and amending condition #3, the mounting height be limited to eleven feet. Mr. Hogarth seconded the motion, which passed 6-0.

1. 2021-1318- Atrium Building Paint Color

Application by Tanglewood Asset Management on behalf of The Atrium Office Condominium Association, Inc. requesting approval for building paint colors.

Ms. West presented an updated Staff report and recommendation. The applicant is requesting approval of paint colors for the Atrium Office building at 631 US-1, in accordance with Chapter 6, Article III Appearance Code. The building's current color is green. The building was constructed in 1985, and has four stories of office space. The building colors being requested for approval are a beige for the body (Sherwin Williams 6149 Relaxed Khaki) and a darker brown for the building accent on the railings (Sherwin Williams 6159 High Tea). Staff recommends the following conditions:

1. Obtain a paint permit within 30 days of this approval for the proposed building colors and obtain final inspection upon completion.

The Planning Commissions members discussed whether the railings were located on the back side of the building; and what the color of the new memory care facility will be as it is next door.

Motion: Mr. Hogarth moved to approve the application as presented. Mr. Hicks seconded the motion, which passed 6-0.

B. ORDINANCES

1. 2021-0105- Old Port Cove South Marina

An application submitted by Cotleur & Hearing on behalf of SHM Old Port Cove, LLC requesting a Major PUD Amendment for an increase to the permissible outdoor seating area and approval for a yacht brokerage office use.

David Milledge, Cotleur & Hearing, 1934 Commerce Ln., Suite 1, Jupiter, 33458, was present to represent the project.

Mr. Milledge presented the application for a Major Planned Development Amendment for the Old Port Cove South Marina CPUD. Specifically, the Applicant seeks to increase the permissible outdoor seating area and to allow an outside tenant to use existing office space at the facility. The applicant would like to increase the current 200 square feet of seating space to 1,185 square feet, which is an increase of 985 square feet of outdoor seating area. The Applicant is also seeking approval to allow a yacht broker to use space within the marina offices. The broker has an on-line presence and any walk-in traffic would be solely from existing yacht owners on site. The

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marina last received CPUD approval from Village Council in November of 2011 for the existing yacht club to be repurposed for a restaurant, café and marina office. It also permitted architectural enhancements and the construction of a swimming pool and accessory building, but limited the outdoor seating to 200 square feet. The additional outdoor seating is not anticipated to increase noise or odor. There are substantial landscape buffers between the closest building and the marina, ranging from 215 feet to over 500 feet.

The Chairman read, for the record, written statements submitted for the public hearing:

Diana Heiser, 120 Lakeshore Dr. #G41, North Palm Beach, expressed opposition to the project.
Steve & Lori Saar, 122 Lakeshore Dr. #G40, North Palm Beach, expressed opposition to the project.
Mike Beck, Old Port Cove Towers Condominium Association, expressed support for the project.
Nancy Weaver & Joseph DeAlteris, Quay South, Old Port Cove, expressed opposition to the project.
Geri Wolff, Quay South, Old Port Cove, expressed opposition to the project.

The Chairman asked for comments from the public.

Gary Pires, 120 Lakeshore Dr. #535, North Palm Beach, spoke in opposition to the project.
Harry Krivit, 1108 Marine Way, North Palm Beach, spoke in opposition to the project.
Diane Jenkins, 1100 Marine Way W #A3R, North Palm Beach, spoke in opposition to the project.
Maria Vazques, 120 Lakeshore Dr. #G37, North Palm Beach, spoke in opposition to the project.
Jackie OMer, 124 Lakeshore Dr. PH31, North Palm Beach, spoke in opposition to the project.
Pat Friedman, 1208 Marine Way #AG6, North Palm Beach, spoke in opposition to the project.
Art Micchelli, 1100 Marine Way W #A2R, North Palm Beach, spoke in opposition to the project.

The Chairman asked for comments from the public via Zoom.

Ann Medina, 122 Lakeshore Dr. #G38, spoke in opposition to the project.
Tina Wright, 1133 Marine Way E #I4L, comments sent in opposition to the project.
Nancy Chandler, 1124 Marine Way W #D3R, comments sent in opposition to the project.

The Chairman closed the public comments.

The Chairman asked the applicant, Mr. Milledge, if he would like to address the comments made from the public. Mr. Milledge addressed the outdoor seating issue, which he states preliminary results in the addition of a total of three to four tables, for a total of eight or nine tables, and which will have little impact on additional noise or odors. He stated he is not familiar with a brick wall as mentioned in a comment, but would look into the feasibility of expanding it. He also addressed the parking concerns, which he explained are based on the current Village code. There is currently no plan to increase the lighting. He further explained that the yacht brokerage office is primarily an on-line business and not expected to have on-site customers, other than yacht owners already at the marina.

The Planning Commission discussed why the yacht broker cannot operate out of the Old Port Cove Plaza; what are the planned hours for the restaurant, inside and outside; whether the food is prepared inside or out; how long after the kitchen closes does the restaurant intend to stay open; whether the amount of personnel to man the yachts in the marina has increased over the years as the size of the yachts have increased; whether the new tables will be located on the raised terrace area or on the ground level; what the existing parking situation is currently; whether

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the parking is a current problem at the marina; what the plan for the current 200 square foot seating area will be; what is the current seating capacity of the restaurant; how was the parking recommendation reached; whether noise generated should be addressed by Village Code Compliance; how were the ADA spaces counted for the parking recommendation; and whether there will be signage for yacht brokerage office.

Jim Nestor, Safe Harbor Marina, 116 Lakeshore Dr., North Palm Beach, spoke on behalf of the applicant. He explained that the reason for the additional seating and also addressed the yacht brokerage space.

Bryan Kelley, P.E., Simons & White, 2581 Metrocenter Blvd., West Palm Beach, spoke on behalf of the applicant. He explained how the parking recommendations were concluded.

Mr. Hubsch presented the staff recommendations for conditions of approval:

1. The Security Operations Plan or “Operating Agreement” dated June 28, 2012, submitted to fulfill Condition B within Section 5 of Ordinance 2011-20, shall remain in full effect.
2. The non-marina office space shall be limited to yacht brokerage office space only and shall not operate as a boat sales center with offsite guests. No more than four employees shall be on site at any given time.
3. Applicant shall obtain approval from the Hotel and Restaurant Division of the Florida Department of Business and Professional Regulation for the increased outdoor seating area.
4. There shall be no amplified music outdoors or indoors while the windows/doors are open at the restaurant.
5. Applicant shall obtain separate permits for all improvements constructed on the Property, including, but not limited to, the following:
 - a. Paving, grading, drainage, and water and sewer improvements;
 - b. Site lighting;
 - c. Landscaping; and
 - d. Irrigation.
6. The Applicant shall conduct a Parking Study, certified by a Traffic Engineer, twelve (12) months subsequent to the Village's issuance of the permit for the outdoor seating area. The Parking Study shall evaluate the effectiveness of the parking strategies employed by the Applicant on site. Upon review of the Parking Study and any other relevant data, including, but not limited to, independent review by the Village, should the Village's Community Development Director determine that the parking on the Property is not performing effectively, the Village reserves the right to require additional parking strategies and requirements, including, but not limited to, the increased use of valet parking or shuttle service. The imposition of additional parking strategies and requirements shall not require amendment to this Ordinance.

Motion: Mr. Solodar moved to recommend to Village Council to deny the application as submitted. Mr. Kennedy seconded the motion, which passed 5-1, with Mr. Hogarth voting nay.

2. 2021-0688 Prosperity Village

An application submitted by Cotleur & Hearing on behalf of Prosperity Village Development, LLC requesting a PUD and Subdivision of 3 vacant parcels into 12 single family lots.

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David Milledge, Cotleur & Hearing, 1934 Commerce Ln., Suite 1, Jupiter, 33458, was present to represent the project.

Mr. Milledge presented the application for a site plan and Planned Development for Prosperity Village, a community of 12 single-family dwelling lots on the west site of Prosperity Farms Road. This site was previously approved for 14 units in 2007, but was never constructed; however, it did have a single-family residence which was demolished in 2008. This 2.33-acre site is generally surrounded by residential uses with preserve areas immediately to the west and north of the property. The proposed neighborhood will provide custom home builders and future residents the opportunity to be part of a cohesive yet unique neighborhood. The project is not requesting additional density, however, is seeking waivers to properly layout the proposed residential lots in a logical and efficient manner. As the Village requires much of the native vegetation to be preserved, an arborist evaluated the Live Oaks trees on site for tree health. Several are in poor health and three will be relocated to the center island.

Mr. Hubsch advised that the applicant held a community meeting to get feedback from residents in the adjacent neighborhoods. Residents were generally supportive and some comments resulted in changes to the site plan layout and preservation of more oak trees.

Mr. Ahrenholz presented the staff report. The property is approximately 2.34 total acres with a Low-Density Residential Future Land Use (FLU) designation and an R-1 Single Family Zoning designation. The property previously contained a single family home that was demolished several years ago. Numerous attempts have been made to develop the property in recent years. The property was approved for a 14-unit single family development by the Planning Commission in 2007; however, the development was never constructed. The property is currently comprised of four unplatted parcels. The applicant is proposing to subdivide them into twelve (12) lots ranging in size from 4,739 SF to 7,286 SF. The Low Density Residential land use designation permits up to 5.8 units per acre. With a total of 2.34 acres, there are a maximum of thirteen (13) homes allowed. The homeowner's association will maintain the main entrance, road, and perimeters of the development. The applicant is requesting five (5) waivers – lots size reduction, building setbacks, lot width, pool setback, and higher fencing along Prosperity Farms Rd. Staff has analyzed the application to the requirements of the Village Code of Ordinances and recommend approval of the subdivision, planned unit development with waivers and preliminary plat. If the Planning Commission decides to approve the application, staff recommends the addition of the following conditions of approval to the development order:

1. Electric entry gate shall match the gate shown in the renderings provided;
2. Drainage easement shall be recorded with the final plat in the swale area shown along the western and northern property lines. This easement shall be maintained by the home owners association and limit the installation of permanent structures and impervious surfaces in this space;
3. Landscape buffer shown on the south side shall be recorded as an easement, maintained by the HOA and recorded in the declaration of covenants and final plat. Owner shall not encroach into the easement with physical structures nor remove any of the vegetation. If any trees or shrubs are removed during construction they shall be replaced;
4. Irrigation plans shall be provided before approval of the infrastructure permit;
5. Applicant shall receive driveway access approval from Palm Beach County Traffic Division prior to building permit issuance;
6. Prior to issuance of site development permit ensure that the storm water management report identifies whether the site will be bermed to contain the 25 year storm, or if the stormwater attenuation will be based on a predevelopment versus post development analysis for the SFWMD 25 year storm discharge criteria;

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7. Five (5) percent of the value of the land shall be paid to the Village in lieu of providing public use space per Section 36-23. b. Valuation shall be defined as the fair market value of the required land, said fair market value to be appraised on the basis of the value of platted land without improvements;
8. Prior to issuance of permits for vertical construction, final plat shall be approved by Village Council per the process outlined in Section 36-14 of the Village Code of Ordinances;
9. All infrastructure, including but not limited to fire hydrants, street lights, storm drains, etc. Proposed on the approved site plan shall be maintained by the homeowner's association;
10. Prior to issuance of first permit of vertical construction, a copy of the Declaration of Covenants and Restrictions shall be submitted to the Community Development Department and Village Attorney for
 1. approval and review of compliance with the conditions of approval;
11. Prior to the issuance of the first infrastructure permit, Applicant shall provide the Village with a performance bond, letter of credit, escrow agreement or other acceptable surety agreement in a form and in an amount approved by the Village Attorney to assure completion of on-site roadways, drainage and utility improvements. As improvements are completed and accepted by the Village, the amount of the performance bond, letter of credit, escrow agreement or other acceptable surety may be reduced by a proportionate amount as determined by the Village Manager in consultation with the Village Engineer;
12. If any significant archeological resources are found on site during development and construction, the Applicant shall notify Village staff and following the procedures outlined in Section 21-104 of the Village Code of Ordinances;
13. The Applicant shall relocate and preserve existing native trees shown on the approved tree disposition plan. If the oak trees do not survive relocation or preservation, they shall be replaced with ranch grown oaks that are the largest caliper that is reasonably available from local nurseries;
14. Any and all Gopher Tortoises located on site shall be relocated offsite in accordance with Florida Fish and Wildlife (FWC) requirements and procedures;
15. Prior to issuance of the first building permit, the Applicant shall have underground water mains and fire hydrants installed, completed, and in service;
16. All residential units shall be constructed in conformance with the approved Design and Diversity Criteria;
17. The Applicant shall be bound by all oral and written representations made both on the record and as part of the application process irrespective of whether such representations are included as formal conditions;
18. The conditions of approval shall be binding on the Applicant and its successors in interest and assigns and a violation of such conditions shall constitute a violation of the Village Code of Ordinances and may be enforced by the Village as set forth in Article VI, Chapter 2 of the Village Code or as otherwise authorized by law.

The Chairman asked for comments from the public.

Kevin Spina, 549 Overlook Dr., North Palm Beach, spoke in favor of the project.

Michael Carsillo, Asst. Fire Marshall, City of Palm Beach Gardens, 10500 N. Military Tr., Palm Beach Gardens, spoke regarding the City's concerns regarding space and turning radius for emergency equipment should the need arise that Palm Beach Gardens provides mutual aid to the Village.

Debbie Cross, 2560 Pepperwood Circle S., North Palm Beach, spoke in opposition to the project.

Peter Hofheinz, City of Palm Beach Gardens, 10500 N. Military Tr., Palm Beach Gardens, expressed the City of Palm Beach Gardens' opposition to the project, as outlined in their written objection.

The Chairman closed the public comments.

Dan Catalfumo, 725 Harbour Isles Pl., North Palm Beach, Developer of the project, discussed the considerations taken regarding the Gopher Tortoises, Live Oak trees, SeaCoast lift station, and Auto-Turn radius for emergency vehicles of the project. He stated that he is willing to work with the Village and Palm Beach Gardens to come to mutually agreeable conditions in order to move forward and to be good neighbor.

The Planning Commission discussed where the Gopher Tortoise preserve is located in relation to the site; what are “best management practices” referred to by the City of Palm Beach Gardens; what is planned as a buffer on the south property line; expressed concern that NPB and PBG Fire Departments are not in sync with each other; concerns expressed regarding the Live Oak trees; concern regarding the lack of documentation on the site plan for the Live Oak trees remaining; whether a retaining wall is required due to the elevation of the swales, concern about drainage onto other properties and that the drip line of the trees are being preserved; whether the Public Works Department and Public Safety Department given their approval for the project; concern regarding the possible removal of the median on Prosperity Farms Rd.; and the need for a drainage plan.

Motion: Mr. Hogarth moved to continue the discussion to the next meeting. Mr. Solodar seconded the motion, which passed 6-0.

3. 2021-0733- 517 Northlake Blvd façade change

Application by Tektonica Industries Inc. on behalf of HNK LLC requesting a façade upgrade to the existing office building

Mr. Ahrenholz presented the Staff report and recommendation. The applicant is a dentist and is requesting approval of a new façade and paint colors for the existing building at 517 Northlake Boulevard. The building is red brick with beige like stucco columns and accents. The applicant is seeking to stucco over all of the existing brick, paint the building PPG Pacific Pearl, and add a new stucco parapet approximately 7’-9’ above the existing parapet. The applicant and architect for the project did not schedule any meetings with Village staff prior to submitting the proposed plans. Had they done so, Village staff would have provided them with Village’s Appearance Plan and encouraged them to redesign the building to be more consistent with the desired styles in the Appearance Plan such as Anglo-Caribbean, Florida Vernacular, and Masonry Modern. Additionally, staff has requested color renderings of the proposed design, so that staff and the Planning Commission can better determine what the final product will look like. The applicant has not been able to provide renderings. Without color renderings, it is difficult for staff to make a recommendation for the project.

The Planning Commissions members discussed whether the building is brick all the way around; expressed concern that no renderings were submitted and no representative was present; recommendations to applicant to work with staff regarding the plan, comments made such as the existing building looks better than proposed changes, more color choices should be considered, parapet is too high, dislike of the stepped effect of parapet, bump up to parapet seems arbitrary, painted brick can look nice, dislike of the details of the proposed columns, and color renderings be submitted.

Motion: Mr. Solodar moved to Table the project to a future meeting. Mr. Haigh seconded the motion, which passed 6-0.

V. ADMINISTRATION MATTERS

A. Choosing chair and vice-chair for the 2021-2022 term:

Mr. Solodar nominated Mr. Cross as Chairman, seconded by Mr. Hogarth. Mr. Cross was elected Chairman by a vote of 5-0 (Mr. Cross abstained). Mr. Haigh nominated Mr. Solodar as Vice-Chairman, seconded by Mr. Kennedy. Mr. Solodar was elected Vice-Chairman by a vote of 6-0.

B. Staff Updates: None

C. Commission Member Comments:

- The next meeting is scheduled for September 7, 2021, which is the day after Labor Day and is also Rosh Hashanah. Recommendation to move the meeting to September 14th, and November 2nd's meeting falls on Election Day. Recommendation to move that meeting to November 9th. Consensus of the Board is to move the September and November meetings as recommended.
- Suggestion to continue the use of Zoom for Village Meetings to allow for more participation by residents and concerned parties that cannot attend in person.
- Discussion regarding the reading of submitted letters/comments into the record.

VI. ADJOURNMENT

With there being no further business to come before the Board, the meeting adjourned at 10:07 PM.

Minutes typed by Jane Lerner