



**VILLAGE OF NORTH PALM BEACH
PLANNING COMMISSION
REGULAR MEETING MINUTES
TUESDAY AUGUST 3, 2021**

Present:

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

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

Council Member:

Susan Bickel

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 July 13, 2021 Regular Meeting will be approved at the September 14, 2021 meeting.

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

1. 2021-1403- DocMJ Signage

Application by Kauffs on behalf of Physician Compassionate Care, LLC, d/b/a DocMJ, requesting site plan and appearance review approval for the installation of a new acrylic panel sign with vinyl graphics.

Mr. Ahrenholz presented the Staff report and recommendation. The site is an existing tenant space, which recently obtained a Business Tax Receipt (BTR). Currently, it is an empty sign cabinet that will be refaced. The building

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is located on Northlake Blvd. just east of Prosperity Farms Rd. They are allowed one (1) building sign and it will be under the maximum allowed area and is conforming. There is no existing master sign plan for the plaza. The applicant is proposing to put a translucent acrylic panel over the existing sign. During the BTR process, the business was vetted to ensure compliance. The business owner provides direct patient access to medical marijuana recommendations, and therefore, is considered a medical office or clinic. There is no dispensing of marijuana on site, which is a prohibited use.

Staff recommends the following conditions:

1. Obtain a sign permit for the scope of work as provided herein.
2. Tenant window signage does not exceed the 10% threshold.

The Planning Commissions members discussed having Staff resurrect obtaining Master sign plans to assist the Planning Commission with sign applications;

Motion: Mr. Solodar moved to approve the application with Staffs recommendations. Mr. Kennedy seconded the motion, which passed 7-0.

2. 2021-0733 517 Northlake Façade Update

Application by Tektonica on behalf of HNK LLC requesting site plan and appearance review approval for building façade changes and paint colors.

Motion: Mr. Solodar moved to remove the item from the table. Mr. Hogarth seconded the motion, which passed 7-0.

Mr. Ahrenholz presented an updated Staff report and recommendation. Since the last presentation, the applicant has redesigned the building parapet extension. The applicant has also provided color renderings of the proposed design, so that staff and the Planning Commission can better determine what the final product will look like. The parapet is not as tall, the stucco will remain, the banding on the pillar has been cleaned up, and sconces have been added. Signage will be brought before the Planning Commission once tenants are in place. Staff is not proposing any conditions.

The Planning Commissions members discussed whether the parapet is continuing all the way around the building; whether the signage will be on the same elevation; whether just one color of paint is being approved. Consensus of the Planning Commission is the design is an improvement.

Motion: Mr. Solodar moved to approve the application as presented. Mr. Hogarth seconded the motion, which passed 7-0.

B. ORDINANCES

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

Brett Oldford, Civil Engineer, WGI, 2035 Vista Parkway, West Palm Beach, was also present to represent the project.

Kim Cawley, NPB Fire Inspector, 560 US #1, North Palm Beach, addressed the public safety equipment turning radius concerns.

Mr. Hearing presented the updated 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 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 similar to The Estates development just to the north and is the exact depth as the proposed project property. The applicant was encouraged to not seek rezoning and to conform with the development regulations for the Village. Great care and consideration have been taken with regards to accommodating the development, the oak trees, Gopher Tortoises, drainage, stormwater concerns, the SeaCoast lift station, the Pepperwood neighborhood, and the surrounding conservation land.

The Chairman asked for comments from the public.

Debra Cross, 2560 Pepperwood Cir. South, 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 updates, as outlined in their written objection.

The Chairman closed the public comments.

Mr. Ahrenholz presented an update of the staff report. The commissioners had various concerns that resulted in tabling the item until they could be addressed or resolved. The first issue dealt with the grading to the adjacent properties. The updated plans have lowered the grade of the houses and the swale ends consistent with the adjacent grades. To preserve the trees, small walls (6-18 inches) are proposed to prevent any fill from needing to go over the existing roots. Stacking on to Prosperity Farms Road was addressed and there is enough room for two cars as shown on engineering sheet C-20. The auto turn analysis previously provided was compliant with the Village of North Palm Beach standards and the Florida Fire Prevention Code. Palm Beach Gardens Fire Department raised concerns over the ability to make the turns, so the applicant provided slightly more room by reducing the landscape median at the entrance.

During the discussions of the previous meeting, staff has proposed to add three (3) new conditions of approval. The first was added as condition 7 in regards to the height differential between the crown of road and the home site elevations as required by the Florida Building Code. The next was added as condition 18 to prevent gopher tortoises from coming under the fence to the subject site. The final new condition, number 19, was added after discussions with the US Postal Service to locate a central mailbox for the community. Two conditions of approval were amended as requested by the applicant and agreed to by staff. Condition 5 was amended to preserve the landscape median on Prosperity Farms Rd. that the County has proposed to remove. Condition 16 was amended for the timing of the site work during permitting at the applicant's request.

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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 homeowners 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. The Applicant shall attempt to preserve the existing median on Prosperity Farms Road during the County permitting process.
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.
7. Prior to approval of final civil plans, a five (5) percent slope shall be provided from the crown of road to the front building foundation as an approved method of diverting water away from the foundation.
8. 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.
9. 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.
10. 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.
11. 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 approval and review of compliance with the conditions of approval.
12. 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.
13. 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.
14. 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.
15. Any and all Gopher Tortoises located on site shall be relocated offsite in accordance with Florida Fish and Wildlife (FWC) requirements and procedures.
16. Vertical building construction permits shall not be approved until the Building Official determines the underground water mains and fire hydrants are installed, completed, and in service at a satisfactory level.

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17. All residential units shall be constructed in conformance with the approved Design and Diversity Criteria.
18. Green vinyl chain-link fence shown on west and north property lines shall be set 2 ft in ground to prevent gopher tortoises from adjacent properties entering the site.
19. Centralized mailbox facility shall be provided at the request of the US Postal Service. Applicant shall provide location on site plan prior to issuance of vertical construction permits.
20. 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.
21. 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 Planning Commission discussed drainage concerns and whether stem walls have been considered; whether there is a maximum height for the grade adjacent to the bottom of the swale; whether the finished floor elevation will be above the 100 year flood mark; whether the development will be coming back for final plat approval if approved by Council; whether the median island on Prosperity Farms Rd. will be removed or remain; concern how the drainage will be impacted on the south property line with a fully planted area; whether relocating the hedge on the south property line to the outside of the swale be made a condition of approval; whether the representative from Palm Beach Gardens can respond to North Palm Beach's response that the emergency apparatus turning radius is adequate; whether Catafulmo will maintain the HOA while the project is being built; how will the entry gates open – swing in/out, or slide back; what would be needed to accommodate Palm Beach Gardens' concern for the greater radius; concern about potential safety hazards with cars stacking near the intersection at Alamanda Dr. and vehicles going around the cars waiting to turn; question why the development needs to be a "gated community"; and concern regarding sustainable landscaping.

Motion: Mr. High moved to recommend to Village Council to approve the application with Staff's conditions, and the additional conditions that work with developer to assign an appropriate size easement along the south property line to accommodate a free and clear swale, the hedge and the fence in order to be maintained, and the HOA documents codify that the perimeter green chain link fence remain in place and no double fencing allowed. Mr. Solodar seconded the motion, which passed 7-0.

2. Village-initiated amendment to Village Code section 45-36(R)(2)

Ordinance allowing electrical service to formerly developed vacant lots for the sole purpose of operating an irrigation system.

Mr. Rubin presented the Staff report and recommendation. He provided background information on the planting plan for vacant lots. He further explained that the Village recently received Special Magistrate authorization to demolish a portion of the Camelot Motel and is negotiating the complete demolition of all of the structures on the site with the property owner. During these discussions, the property owner raised the viability/practicality of irrigating the property once the buildings are demolished without electrical service. Staff discussion recommended that the Code be amended to accommodate the use of electrical service for the purpose of irrigation.

The Planning Commissions members had no discussion and were in favor of the amendment.

Motion: Mr. Solodar moved to recommend to Village Council to approve the Ordinance Amendment. Mrs. DeWitt seconded the motion, which passed 7-0.

3. Vacation Rentals Ordinance

Village-initiated comprehensive regulatory scheme establishing a registration and inspection program for all vacation rentals within the Village.

Mr. Hubsch presented the Staff report and recommendation. He provided background information regarding the need to create the Ordinance and what the State Legislature has enacted. The Village has received a number of complaints regarding the operation of vacation rentals within the Village. While Florida Statutes, prohibits the Village from eliminating vacation rentals or regulating their duration and frequency, the Village may require registration of vacation rentals and impose additional requirements on their operation. The purpose of this Ordinance is to preserve the integrity of the Village's residential areas and neighborhoods and corresponding property values, while also protecting the health, safety and welfare of Village residents and the occupants of such units. The Ordinance was modeled after the Town of Juno Beach's vacation rental program.

The Chairman asked for comments from the public.

Debra Cross, 2560 Pepperwood Cir. South, North Palm Beach, questioned the clarity of wording regarding the lease agreement.

Pat Friedman, 1208 Marine Way, North Palm Beach, questioned the responsible party designation requirement.

The Chairman closed the public comments.

The Planning Commissions members discussed whether the Village will have the right to enter the property if there is a complaint; how many units are within the Village; whether vacation rental property can be Homesteaded; and recognition of the need for vacation rentals due to the lack of nearby hotels to the Village.

Motion: Mr. Hogarth moved to recommend to Village Council to approve the Ordinance. Mr. Haigh seconded the motion, which passed 7-0.

V. ADMINISTRATION MATTERS

A. Staff Updates:

- Old Port Cove Marina wants to go forward to Village Council for the outdoor seating only.
- The Seven-11 project (Alt. A1A & Richard Rd.) has modified their plans and will be going before Village Council.
- The September Planning Commission Meeting falls right after Labor Day and Rosh Hashanah, Staff recommends moving the meeting to September 14th.

B. Commission Member Comments:

- Status of the construction of the out building at the Memory Care facility.

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- The need to consolidate the Ordinances regarding parking on the swales as there are several different restrictions for different areas of the Village.

VI. ADJOURNMENT

With there being no further business to come before the Board, the meeting adjourned at 8:31 PM.

Minutes typed by Jane Lerner