



**VILLAGE OF NORTH PALM BEACH
PLANNING COMMISSION
REGULAR MEETING MINUTES
TUESDAY AUGUST 4, 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
Alex Ahrenholz, Principal Planner
Justin Revis, Planner
Michael Applegate, IT Director

Council Member:

None

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 6:33 PM.

IA. ROLL CALL

All members of the Planning Commission were present.

II. APPROVAL OF MINUTES

The Minutes of the July 7, 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 2019-2161: 844 PROSPERITY FARMS CORP Fence (Continued from July 7, 2020)

Minutes of Village Planning Commission Regular Meeting held on August 4, 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 (Continued from July 7, 2020)

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. There is an existing 4-foot tall chain link fence that surrounds the playground on the northern perimeter of the property. The Applicant is seeking to install a 5 foot wall around the northern and western portions of the property, adjacent to Prosperity Farms Road and Pelican Way.

This project was originally continued from the regular Planning Commission meetings on June 6, 2020 and July 7, 2020. During the July meeting, the Commission asked the applicant to provide a revised site plan and landscape details that were more clear than the plans submitted. The applicant met with Staff following the July meeting to prepare plans to satisfy the Planning Commission's request.

The applicant submitted a new packet of plans, which contains the following:

- 1) An updated site plan that depicts the wall at 5 feet high for its entirety, set back 2 feet from the sidewalk at its closest;
- 2) A gate has been added to the wall at the request of the North Palm Beach Fire Department. near the existing hydrant along Prosperity Farms Rd.;
- 3) The wall jogs around the existing water meter located along Prosperity Farms Rd.;
- 4) A landscape plan for a row of Green Island Ficus between the wall and sidewalk; and
- 5) New renderings depicting wall with landscaping that matches the proposed site plan.

Staff requests the Commission include the following condition(s) as a part of their order:

1. Obtain all necessary permits for the proposed wall and landscaping.

Following the Staff presentation, the Planning Commission discussion included whether any additional illumination (lighting) will be added; what the pre-manufactured screening details of the fence will be, specifically the spacing between the slats; whether the wall height will be five (5) feet in its entirety; whether the paint color will be what has been previously approved (Dove White); whether the landscape will be continued along the fence as it continues around the parking lot; and whether the 45° wall section where it turns from Pelican Way onto Prosperity Farms Rd. is to be solid or slatted.

Motion: Mr. Solodar moved to approve the Variance as presented. Ms. DeWitt seconded the motion. The Motion passed 6-1, with Mr. Hogarth voting nay.

Motion: Ms. DeWitt moved to approve the Certificate of Appropriateness with the following conditions:

1. A hedge to be added on the south end and at the angled section on the northwest corner of the site;
2. The angled section on the northwest corner of the site is to have horizontal slats above the concrete section consistent with the renderings;
3. The concrete portion of the wall/fence to be stuccoed and painted to match the building (Dove White);
4. The slat spacing be installed per the renderings presented; and
5. Obtain all necessary permits.

Mr. Solodar seconded the motion. The Motion passed 7-0.

A. CERTIFICATES OF APPROPRIATENESS, continued

2. COA 2020-1189: Paradise Villas

Location: 104 and 108 Paradise Harbour Boulevard

Request: An application submitted by Erich Sitko on behalf of Paradise Villas Condominium Association, requesting Certificate of Appropriateness (COA) approval in order to change building paint color.

Mr. Revis presented the Staff report and recommendation. The Applicant is seeking to paint the two condominium buildings and clubhouse at Paradise Villas. The buildings are each five stories and are located along the Earman River, immediately east of Frigates Bar and Grill. The Applicant is seeking to refresh the cream color of the façades with a light blue color, and the clubhouse building with a light green color. The proposed colors are white for the trim (SW 7757 High Reflective White), light blue for the main buildings (SW 6505 Atmospheric Blue at 50%) and grey green for the clubhouse (SW 6441 White Mint). It is Staff's analysis that this application is consistent with the appearance criteria provided herein. Staff requests the Commission include the following condition(s) as a part of their order:

1. Obtain a paint permit for the proposed building colors as approved herein.

The Planning Commissions members discussed whether there are plans to paint the other buildings at Paradise Harbour; whether the paint color High Reflective White is just the color's name and not actual reflective paint; whether the vertical elements are also being painted white; and expressed support of the application.

The Chairman opened the floor for comments from the public. There were no comments from the public.

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

3. COA 2020-1322: Nautical Ventures

Location: 139 Shore Court

Request: An application submitted by Lisa Marder on behalf of NVPB Marina Holdings LLC, requesting Certificate of Appropriateness approval for a new face on existing monument sign.

Minutes of Village Planning Commission Regular Meeting held on August 4, 2020

Mr. Ahrenholz presented the Staff report and recommendation. The Applicant is requesting a Certificate of Appropriateness for a new face on an existing monument sign. The property is located on Shore Court, just east of U.S. 1. This location is one of 5 stores in Florida with the other four being in Fort Lauderdale, Dania Beach, Sarasota and Tampa. The company has recently changed their marketing and created a logo to incorporate on the signage at their various locations. The existing sign is pink with purple letters, while the new sign will have a white background with orange and blue lettering for the name and logo. The sign is proposed to directly replace the existing sign in the illuminated sign cabinet. It will be printed on translucent vinyl to be lit at night. The proposed signage includes the company's website, which is not allowed. Signage is only permitted to have the company name, nature of the business and a logo. As a condition of approval, Staff is recommending removal of the website and the applicant obtain a building permit.

The Planning Commissions members discussed whether the red on the building is harmonious with the orange on the sign; and whether the business address will be included on the monument sign. The Planning Commissions members expressed support of the application.

The Chairman opened the floor for comments from the public. There were no comments from the public.

Motion: Ms. Rainaldi moved to approve the application with Staff's recommendations to remove the website from the signage and obtain a building permit. Mr. Hogarth seconded the motion, which passed 7-0.

4. COA 2019-1934: Village Grocery

Location: 9267-9271 Prosperity Farms Road

Request: An application was submitted Fazlul Ahmed on behalf of the property owner FAZLUL 7 ZARNA INVESTMENT LLC, requesting Certificate of Appropriateness approval for building paint colors, landscaping, building numbers, and a dumpster enclosure.

Mr. Hubsch presented the Staff report and recommendation. The applicant is requesting a Certificate of Appropriateness for building paint colors, landscaping, building numbers, and a dumpster enclosure. The property is located on Prosperity Farms Rd. between the Earman River and Northlake Blvd., adjacent to Honey Rd. and several single family homes. In mid to late 2019, the building owner painted the building without COA approval or a permit, which resulted in a Code Enforcement violation. The Special Magistrate found the owner in violation and ordered they be granted a COA for the current, or an alternate color, in order to come into compliance. Code Enforcement found other violations such as the street numbers are too small, the tenant's window signs (*Fit 2 Go*) are too large and were not permitted, and overall the landscaping has not been maintained. The property owner is willing to rectify these issues, and is also requesting to install a 6-foot high white vinyl fence on the north side of the property to screen the dumpster area and side of the property from Honey Road. Currently a 6-foot high chain-link fence encloses the area, setback 3 feet from the property line. The existing fence provides almost no screening and is in disrepair. Additionally, the applicant is seeking approval for 6-inch black metal address numbers for an existing monument sign along Prosperity Farms Rd. It is Staff's analysis that this application is not consistent with the appearance criteria for the proposed building colors and does not meet code requirements for landscaping. The proposed fencing, dumpster enclosure, and building numbers are consistent with the requirements of the code. Staff recommends application of a more subdued color for the awning and a neutral color for the door and window framing. Staff requests the Commission include the following condition(s) as a part of their order:

1. Obtain a paint permit for the scope of work as approved herein;

Minutes of Village Planning Commission Regular Meeting held on August 4, 2020

2. Install a continuous row of shrubs along the front property line to be maintained at least three feet in height, and shade trees at a maximum spacing of 30 feet on center;
3. Install the continuous hedge in the eastern five feet and the shade trees in the eastern eight feet of the landscape buffer, to provide an opportunity to re-stripe and shift the parking lot east the parking lot in the future;
4. Install a continuous row of shrubs along north property line on the Honey Road side of the property, and shade trees at a maximum spacing of 30 feet on center. The continuous row of shrubs shall not be required in front of proposed gates; and
5. Reduce the window signs on the southern end of the building to be compliant with 6-117 (h) within 3 months.

The Planning Commissions members discussed whether the applicant will be required to submit a landscape plan or will be allowed to administratively plant landscape shrubs; agreement that the current paint colors are too bright and red, in general, is not appropriate for the area; whether the tenant's signage with phone number and website are in compliance; requested more information and details regarding the fencing type and appearance; and whether the color proposed is to include the hurricane shutters. The Planning Commission's recommendation is for the applicant to work with Staff and resubmit plans with different color choices, a landscape plan including irrigation, and detailed information for the fence enclosure.

Mr. Fazlul Ahmed, property owner, 9267 Prosperity Farms Rd., was present to represent the project.

The Chairman opened the floor for comments from the public. There were no comments from the public.

Motion: Mr. Solodar moved to table the application. Ms. Rainaldi seconded the motion, which passed 7-0.

5. COA 2020-1379 : North Palm Beach Marina

Location: 1037 Marina Drive

Request: An application submitted by SHM North Palm Beach, LLC requesting a Certificate of Appropriateness (COA) approval for the addition of a food stand and outdoor seating (74 seats) at the existing marina.

Mr. Hubsch presented the Staff report and recommendation. The applicant is seeking to add additional amenities on site for both members and visitors. They are proposing a new food stand concept for the northern waterfront near the ship store. The proposed permanent food stand will include a bocce ball court, fire pit, and seating in a new patio area where parking currently exists. The food stand will be a 17-foot trailer permanently set near the existing building and operate as an extension of Belle's restaurant, located at the Old Port Cove Marina. Safe Harbor has another venue with a similar concept in Newport, RI. The fire pit will be primarily used in the evenings during the colder months when the sun also sets earlier. The current transient boat slips will allow anyone traveling along the Intracoastal Waterway to dock and eat food and enjoy the amenities before continuing on. According to the conceptual plan, there will be 74 seats in the form of tables, high tops, fire pit seating and lounge seats for patrons of the marina and the food stand. This amount of seating will require 25 parking spaces. Assuming the total number of food stand employees at peak usage will be 6 people, they will require 4 more spaces for a total of 29 additional parking spaces required for the food stand use. The excess 78 parking spaces throughout the site will adequately handle the increased demand with 40 excess spaces, not counting the new spaces that the Applicant hopes to add with re-striping the parking lot. The site currently is required to have 87 parking spaces

Minutes of Village Planning Commission Regular Meeting held on August 4, 2020

with the marina and office uses. The entire parking lot along Yacht Club Drive and Marina Drive totals 176 spaces for an excess of 89 spaces. The Applicant is proposing to eliminate 11 spaces that immediately abut the Intracoastal and re-stripe the parking lot to add 17 additional spaces. Though, it is unclear whether all 17 of the new spaces will be able to meet code requirements and they are not being counted at this time. With the elimination of the 11 parking spaces along the waterfront for the proposed food stand seating, the overall site is left with 165 parking spaces. Even without the new parking proposed to the west of the ship store, the current site has an excess of 78 spaces.

Preliminary internal discussions with staff yielded a few items to consider for the project:

1. There is no separation between the seating areas and boats coming up to fuel or dock. Staff is recommending a condition that screening in the form of shrubs or decorative walls be provided between the gas pumps and seating areas;
2. The Fire Chief wants to ensure that the food stand will meet NFPA (State) standards, that it has an adequate ventilation system, and that the fire pit, and any other open flames would have sufficient distance from fuel pumps and tank vents;
3. The food stand will need a building permit if permanently affixed to the ground, in which case it will be required to meet the Florida Building Code;
4. Any music or crowds amassing in this location could have a negative impact on the condominiums approximately 30 feet from the edge of the pavement; and
5. The current configuration has the parking spaces directly up to the seawall. This prevents any on site retention of water and it sheet flows directly into the waterway. This new area would provide an opportunity for the water to be collected before entering the waterway and eliminate possible contaminants from the parking area and local roads.

In Staff's analysis, the proposed application is consistent with the Village Master Plan, the Appearance Code, and will be an improvement to an underutilized patch of asphalt that is directly adjacent to the Intracoastal Waterway. Should the Planning Commission determine that the Applicant has met the necessary prerequisites for the granting of a COA, staff requests the Commission include the following conditions as a part of their order:

1. Obtain a permit for the scope of work as approved herein;
2. Conduct all inspections as deemed necessary by the North Palm Beach Fire Department prior to utilizing any of the improvements that are being installed as part of the proposed application;
3. All noise and music on site comply with the Article VI (Noise Control) within Chapter 19 of the Village Code of Ordinances;
4. Provide screening of the gas pumps and fueling area from dining and seating areas, in the form of hedges, shrubs, or decorative walls during permitting;
5. If the food stall is securely fixed to the ground, a Building Permit shall be required; and
6. Prior to issuance of permits for the proposed project, provide a master site plan for the entire property showing the location of buildings, structures, signage, and parking.

The Planning Commissions members discussed whether the use of a moveable structure is an appropriate choice for a permanent structure; whether a permanent structure will require grease traps and other building code requirements, signage, foundation planting, lighting, signage on the furniture; recommended that more clarity before final approval as plan is too general; whether provisions should be made for more food trucks to participate; Power Point images show structures for shade not included with application; whether screening of the fuel pumps

Minutes of Village Planning Commission Regular Meeting held on August 4, 2020

will obstruct the view of the waterway; whether the restaurant will be open to the public or remain members only; whether the venue will be selling beer and wine; what type of material will be used for the green areas on the plan; whether there will be restrooms available; whether accessibility issues have been addressed; whether a landscape buffer will be required; whether construction has already begun on this project or is it a future plan; and whether the parking lot angled restriping is the best option. Overall, the Planning Commission expressed support for the project.

Stephanie McLaughlin, Regional VP Florida (East), 807 Easterly Rd., North Palm Beach, was present to represent the project. Ms. McLaughlin addressed the Planning Commission's concerns. She stated that the concept is one Safe Harbor has in place in Newport, Rhode Island. It will be managed out of the Belle's Restaurant in Old Port Cove. There is no plan to change the parking at this time. The site is over-parked and the spaces will be removed and not replaced. The food truck will be moveable and will have electric and water (hose) hook ups from the building. It is also capable of being pumped out, which they plan to do once a week. It will be open to the public, and the desire was to have Belle's in Old Port Cove also be open to the public, but the POA required it be membership based. No alcohol will be sold out of the food truck, only food. Beer and wine are currently available in the ship's store, and will remain that way. The green areas on the plan will be AstroTurf. There is a plan to renovate the existing bathrooms at the ship store to bring them up to code. External restroom facilities may be used during renovation and for events. They are custom built and are currently in production. These moveable facilities are used throughout Safe Harbor properties nationwide. The only permanent structures planned were the Bocce Ball court, Astro Turf and epoxy decking. The plan now is to not install Bocce Ball but rather make it a Corn Hole court. Everything on site will be moveable and temporary. Ms. McLaughlin stated that construction has not begun on the project and that all approvals and permits will be obtain prior to commencement.

Josh Steib, General Manager, Safe Harbor Marina North Palm Beach, was also present.

The Chairman opened the floor for comments from the public. There were no comments from the public.

Planning Commission's further discussion included what they can actually vote on as what is presented is a concept, not a plan; as most of the presented elements are mobile and temporary, whether it should be viewed as a Special Event; recommendation that Safe Harbor work with Staff to present a more permanent and detailed site plan modification, to include Planning Commission's comments, as the North Palm Beach Marina has a current site plan, which they would be modifying.

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

V. ADMINISTRATION MATTERS

A. Staff Updates:

- Community Development had an employee test positive for Covid-19. Information will be on our website regarding Department operations going forward.
- Status of parking and usage issues with Lakeside Park.

B. Commission Member Comments: None

Minutes of Village Planning Commission Regular Meeting held on August 4, 2020

VI. ADJOURNMENT

With there being no further business to come before the Board, the meeting adjourned at 8:46 PM.

Minutes typed by Jane Lerner