



**VILLAGE OF NORTH PALM BEACH  
PLANNING COMMISSION  
REGULAR MEETING MINUTES  
TUESDAY, NOVEMBER 5, 2019**

Present:

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

Len Rubin, Village Attorney  
Jeremy Hubsch, Community Development Director  
Paola West, Principal Planner  
Justin Revis, Planner

Not Present:

Cory Cross, Chairman

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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 except Mr. Cross who was absent.

II. APPROVAL OF MINUTES

The Minutes of the October 1, 2019 Regular Meetings were approved as amended.

III. DELARATION OF EX PARTE COMMUNICATIONS

There were no Ex Parte Communications declared by the Board.

IV. QUASI JUDICIAL MATTERS / PUBLIC HEARING

**A. CERTIFICATES OF APPROPRIATENESS**

**1. COA 2019-1827: 135 Shore CT- ONE THIRTY FIVE SHORE COURT  
CONDOMINIUM ASSOCIATION, INC.**

Request: An application submitted by Charles Moore on behalf of ONE THIRTY FIVE SHORE COURT CONDOMINIUM ASSOCIATION, INC. requesting Certificate of Appropriateness (COA) approval for siding material.

Mrs. West presented the Staff report and recommendation. The applicant is requesting approval of new siding material and color for the 135 Shore Court condominium building mansard. The existing building siding is composed of cedar shake, similar to roof shingles. The proposed building siding will be wood textured vinyl, and the color will be "Pebblestone Clay" (beige). According to the applicant, the current cedar siding is falling off the fascia, which presents a hazard to the residents of the building. Staff has concerns that the new siding

**Minutes of Village Planning Commission Regular Meeting held on November 5, 2019**

material will alter the character of the building. The building fascia uses a large portion of the cedar shake as a material and changing both the material and color will drastically change the look of the building. This building is visible from both the water and from Shore Court, making the fascia material and color an important aspect of the site in terms of aesthetics and visibility. It is further Staff's position that although cedar shake has historically been used in older buildings, there are recent successful applications of the material in several parts of the state. It is Staff's analysis that this application is **inconsistent** with the appearance criteria provided in Code section 6-59(D)(3) [BUILDING DESIGN]. Should the Planning Commission determine that the Applicant has met the necessary prerequisites for the granting a COA, Staff requests the Commission include the following condition(s) as a part of their order:

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

Mr. Don Clemmons, Vice President of the Shore Court Condominium Association, 237 Castlewood Dr., was present to represent the applicant.

Mr. Christopher Moore, Aluminum One Shutters and Siding, was also present to represent the applicant.

The Planning Commissions discussion included: If the cedar shake should be replaced with new cedar shake material; whether the shutters will remain or also be replaced; request that a more complete package of how the total project (siding and shutters) will look should be presented; whether the siding has an NOA; and whether the colors will work together.

The Planning Commission recommends that the application be tabled, and the applicant is to work with Staff to present color renderings of the siding and proposed shutters at the December meeting.

Motion: Ms. Rainaldi moved to table the application to the December meeting. Mr. Furlott seconded the motion, which passed 6-0.

**2. COA 2019-1652: 1037 Marina Drive – SHM NORTH PALM BEACH LLC.**

Request: An application submitted by Charles Law on behalf of SHM NORTH PALM BEACH LLC, requesting Certificate of Appropriateness (COA) approval for minor site alterations.

Mrs. West presented the Staff report and recommendation. The applicant is requesting approval of minor site modifications including replacement of a dumpster enclosure, new ramp and a railing, and two shade sails. The proposed improvements will be taking place adjacent to the small showers building on the west side of the property. The shade sails will be covering a seating area that is currently on the outside of the building. This area is in need of shade. The proposed shade sail color will be in both a "Silver" (grey) and "Porcelain" (off-white) color. There is a grading issue next to the building that needs to be resolved. The railing is proposed to be metal, and the dumpster enclosure is proposed to be an aluminum louver enclosure, painted white.

Should the Planning Commission determine that the Applicant has met the necessary prerequisites for the granting a Certificate of Appropriateness, Staff requests the following conditions be included as part of the Commission's approval:

1. Obtain a permit for the proposed site alterations as approved herein.

Mr. Josh Steib, General Manager, Safe Harbour Marina North Palm Beach, was present to represent the project. Sonny Mignone, All Quality Construction & Aluminum, was present to represent the project.

**Minutes of Village Planning Commission Regular Meeting held on November 5, 2019**

John Shea, All Quality Construction & Aluminum, was present to represent the project.

The Planning Commissions discussion included: What the purpose of adding the railing is; what the height of the proposed railing will be; whether the railing will be wood and aluminum or all aluminum designed to look like wood; and whether the existing lamp posts will remain.

Mr. Steib stated that the letters from the former marina sign have been removed to make way for the new sign, and asked where they should be delivered, as the Village has expressed a desire to take possession of them for historic preservation. Mr. Hubsch advised to bring them to the Community Development Department.

Motion: Mr. Hogarth moved to approve the application with Staff's condition as submitted. Ms. Rainaldi seconded the motion, which passed 6-0.

**3. COA 2019-1819: 618 US Highway 1 – CAPITAL 618 LLC**

Request: An application submitted by Joshua McAlees on behalf of CAPITAL 618 LLC requesting Certificate of Appropriateness (COA) approval for site landscaping.

Mrs. West presented the Staff report and recommendation. The applicant is requesting approval of substitution of landscape material. Although the property was originally developed in 1972 and is not being redeveloped at this time, the site is lacking landscaping and landscape maintenance--specifically facing the street. The applicant is amending the site landscaping to alleviate a Code Compliance citation related to landscape maintenance, invasive plant removal, and dead or missing landscaping. The proposed plans call for removal of Brazilian Pepper and ficus, as well as the substitution of Foxtail Palms with Adonidia palms, and weeding/removal of other invasive species. The site is existing, nonconforming to the current landscaping regulations. The site perimeters are less than the minimum required by code and can therefore not sustain any substantial plantings. There is a 12' FPL easement running along the frontage adjacent to US Highway 1, as well as a 6' utility easement along the south perimeter of the site. The larger tree planting areas on the site are located along the frontage abutting US Highway 1, near the entrance to the building, and at the rear near the dumpster. The hedge material on the north and south sides are actually located on the adjacent property but do give the appearance of shared buffer. Staff was able to find a previous landscape plan in Village record for this site; however, the plan does not have an approval stamp and cannot be confirmed as officially being previously approved. Historic aerial photography may indicate additional landscaped areas were in existence in 1979 and 1980, but again, not with 100% certainty. While the landscape plan on file does not show perimeter landscape strips for the property, it does show more interior landscaping than what is currently provided on the site, specifically in the form of interior islands.

Staff requests the following conditions be included as part of the Commission's approval:

1. Obtain a permit for the proposed site landscaping as approved herein.
2. Replace any and all failing or dead shrubs.
3. All invasive species must be removed from the site prior to new plantings being installed.
4. In accordance with the Village Appearance Code, section 6-59(D)(6), relocate irrigation equipment to the rear of the property behind the building, or screen with a continuous hedge from the north, south, and west sides if the equipment is existing. Illustrate equipment and screening method on the planting plan.
5. Revise all trees and palms to be installed a minimum of 15 feet in height as per code section 27-31.
6. As per 27-65, trees proposed within the parking islands must measure 5' CT and 15' OA.
7. The trees proposed within the parking islands near the entrance of the building shall be large species shade trees, installed at a minimum of 15 feet in height as per code section 27-31.

**Minutes of Village Planning Commission Regular Meeting held on November 5, 2019**

8. Provide one additional tree along the perimeter landscape strip adjacent to the right-of-way, in accordance with section 27-63.
9. Relocate dumpster within the enclosure.
10. Remove all references to landscaping outside of the property line.

Joshua McAlees, 618 U.S. Highway 1, was present to represent the project. He states that he has no objection to Staff's conditions of approval.

The Planning Commissions discussion included: Whether the Irrigation and water meter, in front along U.S. 1, will be screened; what species of shade trees are being proposed; whether there is a provision in the code to allow a neighboring hedge as landscape; what is the size of the landscape islands are; including a recommendation to install shade trees in line with the hedge instead of in the narrow islands, along with planting a low hedge in the island; and whether the grass will be replaced.

Motion: Mr. Furlott moved to approve the application with Staff's conditions as submitted, and the recommendation to include an additional condition:

11. The trees proposed in the narrow islands on the west side of the property shall be moved closer to the street to be located within the perimeter landscape strip abutting U.S. Highway 1. Trees species, subject to Staff approval, must be appropriate and provide shade for the sidewalk.

Mr. Hogarth seconded the motion, which passed 6-0.

**B. ZONING/VARIANCE APPLICATIONS**

**1. SPECIAL EXCEPTION 2019-1682: 2750 Omega Place – Gregory Keller**

Request: An application submitted by Gregory and Virginia Keller (property owners), requesting approval of a Special Exception to store a boat less than 5 feet from the rear property line, rather than store the boat at least 5 feet from the rear property line as required by code section 18-35(3).

Mrs. West presented the Staff report and recommendation. The applicant is requesting a Special Exception from section 18-35(3) of the Village Code of Ordinances in order to store a boat less than 5 feet from the rear property line, rather than store the boat at least 5 feet from the rear property line as required by Code. The property is 11,927 sq. ft. and is a corner lot. While the main entrance to the home is on the north, narrower portion of the lot, the home extends to the southern portion of the lot along with a detached garage. The home and garage largely abut Alamanda Drive, which is technically the street side of the property. The Code section does not permit a boat to be stored in the front yard or in the side yard projecting beyond the front building line. While there is no required setback for the boat from the street side property line, the boat hull is still required to be fully screened. The boat may be stored between the home and the detached garage, however, the screening requirements cannot be complied with as the fence regulations limit the height of a fence on a corner lot to 4 feet for a distance of 20 feet from the street side. The boat is therefore proposed to be stored on the south side of the detached garage, in the rear yard fairly close to the rear property line. Section 18-35(8) requires the boat to be visually screened from the view of abutting properties, street rights-of-way, and alleyways. The boat is screened from view with a form-fitting boat cover as well as a 5-foot solid wood fence. The applicant requests approval of this Special Exception to keep his boat in this location, as it is the only location the boat can fit in and be screened properly. Newly amended section 18-35 allows property owners seeking to store boats, RVs, or equipment on their property that do not meet the dimensional requirements of the Code to file an application for a Special Exception. This application requires a recommendation from the Planning Commission and a final

## Minutes of Village Planning Commission Regular Meeting held on November 5, 2019

decision from the Village Council. An applicant seeking an exception to the rear setback requirement shall be required to demonstrate that due to the size, shape or physical configuration of the property, there is no suitable alternate storage location on the property and the applicant meets all other requirements of the related code section including, but not limited to, required screening.

Staff's analysis is that the application is consistent with the three (3) special exception standards. Should the Planning Commission and Village Council determine that the Applicant has met the necessary prerequisites for the granting a Special Exception, Staff requests the following condition(s) are included as a part of the approval:

1. Replace the existing 5' gate with a 6' gate to further screen the boat from Alamanda Drive.
2. Subject to substantial conformance to the plans submitted.

Mr. Greg Keller, 2750 Omega Place, was present to represent the project.

The Planning Commissions discussion included: Support for the Special Exception; acknowledgement of the judicious manner in which the plans were presented by the applicant; and whether the public hearing notice was posted.

The Vice Chairman opened the floor to public comments.

Virginia Brooks, 917 Evergreen Drive, spoke in favor of allowing the Special Exception.

The Vice Chairman closed the floor to public comments.

*Motion:* Mr. Hogarth moved to recommend to Village Council to approve the Special Exception as presented with Staff's recommendations. Mr. Haigh seconded the motion, which passed 6-0.

## V. ADMINISTRATION MATTERS

### A. Staff Updates:

- New Planner Justin Revis was introduced to the Planning Commission.
- Draft of the Code Rewrite was reviewed the Village Manager, Village Attorney and Community Development Director. For noticing purposes, the soonest it can come formally before the Planning Commission is in January. Staff is recommending an informal workshop with the Planning Commission in early December.
- Prosperity Village project has received some negative feedback from Village Council and has decided to rework the project taking into consideration the comments received.
- The Country Club will officially open in early December, but no set date has been announced.

### B. Commission Member Comments:

- Status of the employee parking lot at the Country Club
- Status of the Memory Care facility and new left turn lane on U.S. 1. There is a turn lane but no construction activity on the site.
- Expressed a need for Village projects, when being presented for approval, contain the same amount of professional detail and rendering(s) as those of private projects. The Country Club employee parking lot proposal did not appear well thought out and lacked detail.

## VI. ADJOURNMENT

**Minutes of Village Planning Commission Regular Meeting held on November 5, 2019**

With there being no further business to come before the Board, the meeting adjourned at 7:39 P.M.

Minutes typed by Jane Lerner