



**VILLAGE OF NORTH PALM BEACH
PLANNING COMMISSION
REGULAR MEETING MINUTES
TUESDAY NOVEMBER 9, 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

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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.

II. APPROVAL OF MINUTES

The Minutes of the October 5, 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.

C. BOARD OF ADJUSTMENT

1. 113 Gulfstream Dock Variance

Application submitted by owners Allison and Stuart Haft for the installation of a 5 foot by 8.5 foot launching platform.

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Principal Planner Alex Ahrenholz presented the Staff's report and recommendation. The Applicant is requesting a variance to install a launch platform for their paddleboard and kayak. The variance is needed due to the unusual configuration of the seawall, which doesn't allow them to meet the set-back requirements as required by Code. Staff recommends approval based on the documentation the applicant has provided, and proposes the following condition to include in the development order.

1. Pier shall only be used for loading and unloading of vessels. In no instance shall vessels be stored on or adjacent to pier.

Mrs. Allison Haft, 113 Gulfstream Rd., spoke on behalf of her application.

The Chairman open the floor for public comment.

Mr. Kurt Winters, 112 Yacht Club Dr. #7, spoke in opposition to the variance.

Ms. Theresa Franscisco, 112 Yacht Club Dr. #5, spoke in opposition to the variance.

Mr. Richard Bergeron, 112 Yacht Club Dr. #2, spoke in opposition to the variance.

Ms. Debra Cross, 2560 Pepperwood Circle S., spoke in favor of the variance.

The Chairman closed the public comments.

The Planning Commissions members discussed whether the platform would be two-pile supported, or a floating platform. They expressed their support of the variance, with the conditions that it be used for non-motorized vessels and no storage of vessels on or adjacent to the pier.

Motion: Mr. Haigh moved to approve the application with Staff's conditions and the condition that it not be used for motorized vessels. Mr. Solodar seconded the motion, which passed 7-0.

A. SITE PLAN AND APPEARANCE REVIEW

1. 2021-2102 Truist Signage

Application submitted by Atlas Signs on behalf of Elaine and Jon Investments, LLC for replacement of existing signage.

Principal Planner Alex Ahrenholz presented the Staff's report and recommendation. At the February 2, 2021 Planning Commission meeting, signage was approved as both "BB&T" and "SunTrust" for a period of fifteen months as reflected in the corporate requirements of Truist. This was an effort to bring public awareness to the merger prior to the name change to Truist Bank. The update to the signage was anticipated at this meeting to be submitted by the end of 2021 for installation by 2022 when the 15-month timeframe was reached. The Truist signage is consistent in look and color with the national branding of the bank. The applicant is requesting a switch out of the building, monument and directional signs. The building sign will be completely removed and replaced in the same location with unilluminated, pin-mounted, channel letters. The monument sign will be a face change, removing the existing white box and replacing with the cabinet and Truist logo. Anchoring and fabrication details are included in the submittal documents for review. The color of all signage will be Truist Purple (Sherwin

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Williams #6552) consistent with the Truist national branding. Directional signs are currently blue and will be replaced in the same location with the same wording, but in the new corporate colors.

Staff recommends approval and proposes the following condition to include in the development order.

1. Shrubs shall be maintained at a minimum height of thirty (30) inches around the base of the monument sign.

The Planning Commissions members had no discussion regarding the signage.

Motion: Mr. Solodar moved to approve the application with Staff's recommendation that the shrubs shall be maintained at a minimum height of thirty (30) inches around the base of the monument sign. Ms. Dewitt seconded the motion, which passed 7-0.

2. **2021-1785 Master Sign Plan at 784 US Highway 1**

Application submitted by Signarama NPB on behalf of Steve Doran for the creation of a master sign program.

Principal Planner Alex Ahrenholz presented the Staff's report and recommendation. Records in the Village do not reflect any signage permits or previous approvals for this building, which has been around since the 1960's. However, it has been operating with uniform signage for many years, coordinated and approved by the property owner. With the submission of the latest tenant signage, the property owner was instructed to create a master sign program memorializing the signage that exists today and maintain the appearance for future administrative approval. The applicant submitted master sign criteria that matches the signs that are shown in the pictures of the existing building and the proposed signage for Pribramsky CPAs. The new signage is shown for reference and as example of tenant signage following the master sign program. This tenant will replace the existing "real estate" sign. The criteria includes plaques of dimensional acrylic, painted a gold color and written in serif font. Staff recommends approval and proposes no conditions.

The Planning Commissions members discussed whether the signs were in compliance with the master sign plan; and whether the signage on the windows is regulated in the master sign plan. The members expressed their gratitude for Staff getting the office building to submit a sign concept plan.

Motion: Mr. Hogarth moved to approve the sign concept as submitted. Dr. Kennedy seconded the motion, which passed 7-0.

B. RECOMMENDATIONS TO VILLAGE COUNCIL

1. **Fractional Ownership Ordinance**

Village Initiated Zoning Text Amendment to address fractional ownership and time-share operations of residential homes.

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Community Development Director Jeremy Hubsch presented the recommendation to Village Council regarding the Village initiated Zoning Text Amendment to address fractional ownership and time-share operations of residential homes. He explained that the concept of fractional ownership is relatively new, but is starting to spread on the internet. A new company (Pacaso) is now selling 1/8 shares of vacation homes on the internet, including a home recently built on Lakeside Drive. Mr. Hubsch further explained that Fractional Ownership and Time Shares are not the same although they can operate similarly. Fractional ownership typically divides the property into fewer fractions and operates more like a vacation rental, whereas a time-share is more similar to a hotel. Both time-shares and fractional ownership can have negative impacts on established neighborhoods by introducing transient users into a neighborhood, which may create impacts like noise, loss of privacy, traffic, parking, and demand on public services. Fractional ownership also reduces the amount of available housing units for permanent residents, which is an issue in Palm Beach County. Fractional ownership can have similar effects on neighborhoods that vacation rentals or community (recovery) residences do. However, due to state and federal law, the Village is significantly limited in its ability to prohibit those uses. The Village has an opportunity to prohibit fractional ownership before being pre-empted by the Florida Legislature.

Mr. Hubsch introduced the proposed Ordinance which amends Section 45-2 of the Village Code to provide the following definition for the term fractional ownership:

Fractional ownership shall mean shared ownership of a property, entitlement to ownership rights of a property, entitlement to use a property, or possession of property through any means whereby an owner of the property or fraction thereof, receives ownership rights in, or the right to use, the property for a period of time less than one (1) full year within a two (2) year period.

The Ordinance also amends Section 45-36 of the Village Code to add a new subsection (V) to read as follows:

Time-share units and fractional ownership.

Time-share units and the fractional ownership of any property shall be prohibited in all residential zoning districts. Such prohibition shall not include community residences or vacation rentals as defined and regulated in this chapter.

The Chairman open the floor for public comment.

Mr. Robert Silvani, 100 Cruiser Rd. South, stated that the Lakeside Drive house in question is listed to the current owner who built it, and not to Pacaso.

Mrs. Debra Cross, 2560 Pepperwood Circle S., spoke in favor of the recommendation.

The Chairman closed the public comments.

The Planning Commissions members discussed what other communities have done to address the fractional ownership issue; whether we are moving too quickly to amend the Ordinance without knowing all the facts; whether the Lakeside Drive home could become a vacation rental if not allowed to be a fractional ownership; and how will the prohibition be enforced.

Motion: Mr. Solodar moved to recommend to Village Council to consider the Ordinance Prohibiting Time Share Units and Fractional Ownership Properties in the Village's Residential Zoning Districts. Dr. Kennedy seconded the motion, which passed 7-0.

2. 200 Yacht Club (Continued)

Application submitted by Urban Design Studios on behalf of Robbins NPB, LLC for the construction of 206 rental apartments and 1,500 SF of commercial.

Motion: Mr. Hogarth moved to continue the application to the December meeting. Mr. Hicks seconded the motion, which passed 7-0.

V. ADMINISTRATION MATTERS

A. Staff Updates:

- Zoning in Progress Ordinance has been adopted by Village Council, and will be in effect for six months from the October 28, 2021 meeting. An Ad Hoc Committee had been established to evaluate permanent code changes. A public workshop will be held on November 16th at 6:00 PM.
- The Quasi Judicial procedures will be more formalized in upcoming meetings as the Village Council will be involved in CMU Zoning and land development projects.
- Shore Drive Appeal will be coming before the Planning Commission again next month. The applicant is appealing the denial of the electric permit.

B. Commission Member Comments:

- Status of the US 1 bridge project, just north of Northlake Blvd.
- Status of the lane reduction project for US 1.

VI. ADJOURNMENT

With there being no further business to come before the Board, the meeting adjourned at 7:51 PM.

Minutes typed by Jane Lerner