



**VILLAGE OF NORTH PALM BEACH
PLANNING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, OCTOBER 3, 2023 at 6:30 PM**

Present

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

Absent

Village Staff

Donald Solodar, Chair
Len Rubin, Village Attorney
Caryn Gardner-Young, Community Development Director
Councilmember Deborah Searcy

I. CALL TO ORDER

Vice Chair Cross called the meeting to order at 6:30 p.m.

A. ROLL CALL

Roll was called and it was determined a quorum was present.

II. DELETIONS, ADDITIONS, OR MODIFICATIONS TO THE AGENDA

There were no modifications to the agenda.

III. PUBLIC COMMENT FOR NON-AGENDA ITEMS

Chris Ryder, who resides at 118 Dory Road South, mentioned that he had sent an email to the members of the Commission. He emphasized the importance of disclosing ex-parte communications and ensuring that the public knows the basis for the Commission's decisions, including the individuals who spoke to the Commission and the topics addressed. He also commented on the backup material for the 200 Yacht Club application and highlighted issues within the Code that needed to be addressed.

IV. APPROVAL OF MINUTES

There were no minutes to be approved.

V. DECLARATION OF EX-PARTE COMMUNICATIONS

Vice Chair Cross informed all members of the Commission he had received three (3) emails, from Robert Stark, Susan Hoff, and Chris Ryder. It was disclosed by two (2) Commission members that they had met with the applicant, while another member stated that they had met with a Village Council member to discuss the application.

VI. QUASI-JUDICIAL MATTERS/PUBLIC HEARING

Attorney Rubin swore in those wishing to provide testimony.

A. SITE PLAN AND APPEARANCE REVIEW

1. 200 YACHT CLUB (MIXED-USE DEVELOPMENT)

The applicant, Robbins NPB LLC, requested a Site Plan and appearance appeal with waivers to construct a mixed-use development consisting of 147 multi-family dwelling units, located at the southeast corner of Yacht Club and US Highway 1. Ken Tuma, Managing Principal of Urban Design Studios, presented the requests on behalf of the property owner.

During the presentation, Mr. Tuma provided a brief overview of the site's development history, which included the approval of a project on December 7, 2021, by the Planning Commission, pending the approval of a waiver by the Village Council. However, a previous iteration of the project was denied by the Planning Commission on September 6, 2022, for failure to meet landscape waivers requirements, and the subsequent appeal to the Village Council was also denied on October 27, 2022.

After reviewing the conditions and plans for the site, Mr. Tuma provided the following details:

- The future land designation for the site is Commercial and covers an area of 4.09 acres.
- The zoning for the site is US-1 Mixed-Use District (C-MU).
- The plan utilizes Workforce Housing density bonus.
- The building will have four (4) stories and a total of 147 units.
- Out of the total number of units, 78 will have one (1) bedroom and 69 will have two (2) bedrooms. The previously proposed townhomes have been removed from the plan.
- The commercial area will cover 1,978 square feet, including 400 square feet of outdoor restaurant seating.
- There will be a single-level parking deck and a pool on the ground floor.
- Access to the site will be provided off US Hwy 1, with closed access to the alley.
- There will be an unobstructed seven (7) foot sidewalk easement and a meandering five (5) foot sidewalk.

Mr. Tuma discussed the current and previous waivers that were requested. He provided a detailed explanation of the current waiver requests, which included adjustments to the build-to zone, building frontage, door recess, transparency, and signage. Additionally, he reviewed traffic, parking, and lighting.

Mr. Tuma referred to the list of conditions of approval provided by the staff and mentioned that the applicant requests the removal of condition Y. This condition requires the property owner to host a minimum of six (6) farmer's market or food trucks per year, which was not supported by the public feedback.

Caryn Gardner-Young presented project details and staff recommendations. She discussed changes which had taken place over the two (2) years of review. She confirmed the Workforce Housing density bonus request is consistent with the Village Code if the conditions of approval outlined in the staff report are met. Village staff has reviewed all of the submissions and determined they are in compliance with the Village regulations, concurrency has been obtained from the School Board and other service providers, traffic impacts have been approved by an independent traffic engineer, and design standards adhere to the Village Appearance and Comprehensive Plan.

Ms. Gardner-Young brought up two (2) areas she wanted the Commission to consider. She pointed out that there were no regulations in place for imposing Workforce Housing, and discussed some potential restrictions, such as rental versus ownership, subleasing, and the number of years the 30-year covenant should be imposed. She also mentioned that the common areas should be reviewed, and whether the developer should be required to hold a certain number of events per year. Ms. Gardner-Young stated that she had received two (2) emails from Susan Hoff and Suzanne Wilson, and read them out loud for the record.

Ms. Gardner-Young confirmed that proper notice had been provided on-site, in the newspaper, and in mailings. The documentation was attached to the record. She stated staff recommended approval with the 32 conditions as outlined in the staff report, with discussion on the two (2) items highlighted.

Vice Chair Cross opened the item to public comments

Chris Ryder, 118 Dory Road South, expressed his acknowledgment that the current project proposal differs significantly from the previous one. Upon initial review, he found the plan to be promising, but suggested that the building façades should be redesigned as they do not align with the Master Plan's intent. He emphasized that the Code is simple and easy to understand, and raised concerns about the transparency of future development. He recommended the project for approval, but not with these elevations.

Robert Stark, 36 Yacht Club Drive, expressed his satisfaction with the progress of the project so far, stating that the project is moving in the right direction, but it has not yet crossed the finish line. He also mentioned that the residents were in favor of a minimum one-year rental requirement with no subleasing. He emphasized the importance of the project's location, which is across from the new Country Club, and suggested that the design should be considered. He further noted that the traffic on the corner required additional review and discussion.

Christian Searcy, 654 Shore Road, shared his concerns regarding the project proposal. He stated the proposal did not comply with the Comprehensive Plan, Zoning Code, and Master Plan, and that the waivers were being requested to circumvent these failures. According to him, the area was intended to be mixed-use, with focus on commercial rather than residential activities, in order to create centers of vibrant city. He also emphasized the need for commercial and retail in the Village and urged the Council to respect the will of the people.

Deborah Cross, 2560 Pepperwood Circle South, expressed her opinion that a mixed-use development should primarily have commercial spaces on the ground floor and residential units on the upper levels. She believed that a small restaurant, as depicted in the plans, would not adequately attract people. She also raised concerns about the transparency in commercial spaces with glass walls on the first floor. Furthermore, she suggested that the Workforce Housing restriction should be in perpetuity to ensure that affordable housing is available in the future, and that the number of units should exceed the current limit of 25. She supported the idea that rental agreements should have a minimum of one (1) year, and asked that the conditions be set and not be abandoned once the construction is complete.

Diane Smith, 37 Yacht Club Drive, expressed her satisfaction with the resubmission of the development, stating that it was not as obnoxious as its original design. She pointed out that she had reservations regarding the project. She did not see this project as the “vibrant mixed-use corridor” as described in the Master Plan, but rather as an apartment building. She also raised concerns about the location of the restaurant, suggesting it could utilize the natural view of sunsets over the driving range across the street.

Kenneth McLeskey, 112 Nativa Circle, expressed his views on the proposed development as a pro-business developer. He believes the landowner should be allowed to use their property as long as it adheres to the current Codes and restrictions. He raised concerns regarding the number of parking spaces planned and inquired whether electric vehicle charging was a part of the plan. He complimented the lighting plan, supported a minimum one (1) year lease term, and emphasized the importance of maintaining transparency.

Lisa Jensen, 606 Shore Road, expressed her agreement with the majority of the views expressed by other speakers. She highlighted that the aim of the US-1 development was to transform it into a vibrant mixed-use corridor. However, she felt that the proposed project did not meet this objective and did not qualify as mixed-use by any standard. She further added that designating three commercial plots in the Village for residential use would be a mistake and could set a negative precedent.

Vice Chair Cross closed the public comments

Mr. Tuma responded to the public comments and stated that the applicant did not want an Airbnb and would agree to a one (1) year lease term as a condition of approval. He noted the project exceeded the requirements for parking. He further stated that the applicant had proposed what they believed was appropriate for the site, as it would fit in with the mixed-use in the corridor. He addressed concerns regarding transparency briefly.

Dr. Kennedy acknowledged the plan had significantly changed in response to the community’s concerns, and he felt that the proposed plan was much more aligned with expectations. He said it was difficult to judge the appearance of the project because the materials submitted did not include revised elevations. There was a discussion regarding the lack of elevations and plans in the current submission and the applicant showed images of the elevations on the screen.

Dr. Kennedy emphasized the significance of commercial use in the mixed-use, and he asserted that it was discouraging the absence of the live-work units from the plan. He mentioned that the transparency and other requirements were meant to ensure a vibrant first floor in the corridor.

Mr. Hogarth expressed his agreement with the previously submitted architectural character. He approved the waivers and agreed with the applicant on removing the food truck requirement. He appreciated the changes made in response to the concerns of neighbors and stated that the project was consistent with the recommendations made by the consultants for the corridor.

Mr. Haigh agreed with the waivers, he noticed that there was a missed opportunity in not having landscaping between the sidewalk and curb. He suggested that there had been a previous discussion about having flexible spaces that could be used for commercial purposes and later converted to residential if they were unsuccessful. He inquired if there was any interest in continuing with that plan. Mr. Tuma replied that they were not interested in that idea.

Mr. Haigh mentioned that the landscaping around the area was a good addition and helped concealed the lack of transparency. He noted he also agreed with removing the activity condition and replacing it with a one (1) year minimum lease and prohibition on subletting.

Ms. DeWitt appreciated that the developer taken feedback into consideration, and felt that the changes made were beneficial. She mentioned that the mixed-use corridor was a long-term project, and therefore, it would be difficult to include everything in every project. She expressed her satisfaction with the mix of horizontal elements that were included

Ms. DeWitt agreed with Mr. Haigh's comments and suggested adding landscaping in the strip on the south side of US Hwy 1. To this, Mr. Tuma committed to working with Florida Department of Transportation (FDOT) to find a solution.

Ms. DeWitt suggested adding landscaping along the alleyway to enhance the area's appearance. She also recommended having designated parking spaces for the commercial part of the development, which should be marked with signs. Additionally, she proposed replacing the wall around the pool with a black aluminum fence screened with landscaping.

Ms. DeWitt acknowledged the parking concerns and suggested that it should be addressed within the Code since the project exceeded the requirements. She also pointed out that they had a lot of glass which promotes transparency.

Mr. Hicks agreed with the progress made so far and the project's positive aspects. However, he found the submission was challenging to review due to lack of elevations and other graphics that could have illustrated better. He pointed out that he had a difficult time meeting the transparency requirement on the ground floor, and going below half of it was even more difficult. Although he understood that the corridor could be seen as a whole, he was not yet willing to compromise on the intent for a vibrant mixed-use, as reflected in the transparency requirements.

Vice Chair Cross requested clarification on whether there had been any changes made to the design of the individual building elevations. Ms. Gardner-Young clarified that the design of the buildings remained the same. The discussion continued regarding the elevations of the building.

Vice Chair Cross expressed his satisfaction with the overall look of the building. He acknowledged that there were concerns regarding the architecture, but felt the architects had made significant efforts to give the building a unique appearance with different features at different levels. He also mentioned that the change in access had improved the traffic, and he considered this submission a significant improvement.

Vice Chair Cross advised that his only concern was with the commercial, as he would like to see more commercial in the development. He suggested the item be able to allow the applicant to get elevations showing what is being proposed.

According to Mr. Tuma the applicant may consider more live-work, but not more commercial. They believe they have included an appropriate amount of commercial space for the corridor and that this will serve as a catalyst for future projects.

Vice Chair Cross conducted a straw poll of the Commission and stated that he believed the Commission was ready to support the project with additional live-work space and a review of the architectural designs.

Scott Stettner, Asset Partners Inc., an attorney representing the applicant, responded to the feedback regarding the addition of more commercial square footage. He pointed out that the residents had expressed concerns about traffic and were not in favor of additional commercial space. The challenge had been to reconcile the divergent interest of the parties involved.

Councilmember Searcy informed that the entire Village took part in the charette process, as well as the Master Plan and zoning changes. She acknowledged that the developer was taking into account the needs of Yacht Club Drive, she reminded that there are 12,000 residents in the rest of the Village who also have opinions to be considered.

The Commission discussed tabling the petition and requested further direction on that they want to see brought back.

Motion: Thomas Hogarth moved to continue the petition to the November 14th Planning, Zoning and Adjustment Board meeting with the suggestions to the developer as follows:

1. A complete package with all current elevations and plans be included;
2. Revise the first-floor plan to include three (3) live-work units facing US Hwy 1 in Building B;
3. Eliminate condition Y;
4. Revise the conditions to add language restricting leases to one (1) year and not allowing subleasing;
5. Waivers are approved as requested.

Motion seconded by Kathryn DeWitt. The **motion passed** unanimously.

VII. COMMISSION MEMBER COMMENTS

During the meeting, Mr. Haigh raised the issue of recent changes to the lighting in the back of the Faith Lutheran building. He requested the staff to investigate if the lights meet the parking lot lighting standards. He also pointed out that the lights are causing pollution in the neighborhood and do not shut off.

Mr. Hicks requested an update on the progress of the US Hwy 1 Bridge and Lighthouse Bridge projects.

Mr. Hogarth brought up an article in the Palm Beach Post regarding annexation strategies. He inquired about the Village's position on the matter. In response, Village Attorney Rubin informed that the item was currently under discussion.

VIII. STAFF UPDATES

There were no staff updates.

IX. ADJOURNMENT

With there being no further business to come before the Board, the meeting adjourned at 8:22 p.m.

Minutes typed by Kacy Morrone.