



**VILLAGE OF NORTH PALM BEACH
PLANNING COMMISSION
REGULAR MEETING MINUTES
TUESDAY OCTOBER 5, 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:

Darryl Aubrey, Mayor

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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 September 14, 2021 Regular Meeting were approved as written.

III. DECLARATION OF EX PARTE COMMUNICATIONS

Ms. DeWitt and Mr. Haigh declared that they have had a conversation with the applicant.

IV. QUASI JUDICIAL MATTERS / PUBLIC HEARING

Attorney Len Rubin swears in all persons speaking.

A. SITE PLAN AND APPEARANCE REVIEW

1. 2021-0105 Old Port Cove

Application by Cotleur & Hearing on behalf of SHM Old Port Cove, LLC requesting a major PUD amendment for an increase to the permissible outdoor seating.

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

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Ms. Plunkett presented the application for a Major Planned Development Amendment for the Old Port Cove Marina CPUD. Specifically, the Applicant seeks amend Ordinance Number 2011-20 to increase the permissible outdoor seating area to allow for 30 seats. The applicant is proposing the addition of two Podocarpus hedges, one between the columns of the raised seating area and the other to screen existing equipment. The applicant is also requesting to modify a condition of approval to allow utilization of the outdoor seating area up to 9:00 PM each night. This will allow the kitchen to remain open until 8:30 PM, whereas by closing at 8:00 PM, the kitchen would have to shut down at 7:30 PM, which is prime dinner service hour.

The applicant has withdrawn the request for an outside vendor and removed the 680 square foot “retail café” from the restaurant building, based on feedback from their last presentation.

Mr. Ahrenholz provided information regarding the emails that have been sent to Community Development and the Village Clerk’s Office. A total of 36 have been received with 20 emails in support of the Applicant and 16 opposed. There was also a petition sent out by Belle’s to residents and SHM members, resulting in 81 signatures in support of the Applicant. Of the 81, it appears half are Old Port Cove residents and half were marina members. More signatures have been submitted just prior to the meeting.

The Chairman asked for comments from the public via Zoom.

Ann Medina, 122 Lakeshore Dr. #G38, spoke in opposition to the project.
Nancy Weaver, 124 Lakeshore Dr. #PH28, spoke in opposition to the project.
Julia Northrup, 122 Lakeshore Dr., spoke in opposition to the project.
Pamela Stultz, 122 Lakeshore Dr. #332, spoke in opposition to the project.
Annmarie Chosson, 124 Lakeshore Dr. #429, spoke in opposition to the project.
Ronald Hellman, 122 Lakeshore Dr. #732, spoke in opposition to the project.
Ken Stier, 100 Lakeshore Dr. #2052, spoke in favor of the project.
Lloyd Surgent, 230 E. Illinois #505, Chicago, IL, spoke in favor of the project.

The Chairman asked for comments from the public.

Gary Pires, 120 Lakeshore Dr. #535, North Palm Beach, spoke in opposition to the project.
Steve Cohen, 108 Lakeshore Dr. #539, North Palm Beach, spoke in opposition to the project.
Stacy Carr, 126 Lakeshore Dr. # 1125, North Palm Beach, spoke in favor of the project.
Cynthia Miller, 120 Lakeshore Dr. #1137, North Palm Beach, spoke in favor of the project.
Scott Burns, 1200 Marine Way, #PH2, North Palm Beach, spoke in favor of the project.
Jack Land, 120 Lakeshore #235, North Palm Beach, spoke in opposition to the project.
Jackie O’Meara, 124 Lakeshore Dr. #PH31, North Palm Beach, spoke in opposition to the project.
John Rothburg, 134 Lakeshore Dr., North Palm Beach, spoke in opposition to the project.
Mary Ann Garwood, 122 Lakeshore Dr. #T33, North Palm Beach, spoke in opposition to the project.
Robbie Liefer, 124 Lakeshore Dr. #830, North Palm Beach, spoke in opposition to the project.
Kathleen Durning, 120 Lakeshore Dr. #835, North Palm Beach, spoke in opposition to the project.
Raymond Taylor, 115 Lakeshore Dr. #1449, North Palm Beach, spoke in favor of the project.
Pat Friedman, 1208 Marine Way #AG6, North Palm Beach (POA Rep), spoke in opposition to the project.

The Chairman closed the public comments.

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Ms. Plunket addressed the concerns raised during the public comments, specifically noise and parking. She states that as a condition of approval no amplified music will be allowed and the applicant agrees with that condition. She next addressed the parking issues raised, and stated that another condition of approval is the Applicant shall conduct a Parking Study, certified by a Traffic Engineer, twelve (12) months subsequent to the Village's issuance of the permit for the outdoor seating area. The Parking Study shall evaluate the effectiveness of the parking strategies employed by the Applicant on site. Upon review of the Parking Study and any other relevant data, including, but not limited to, independent review by the Village, should the Village's Community Development Director determine that the parking on the Property is not performing effectively, the Village reserves the right to require additional parking strategies and requirements, including, but not limited to, the increased use of valet parking or shuttle service. The imposition of additional parking strategies and requirements shall not require amendment to this Ordinance.

Jim Nestor, General Manager, SHM Old Port Cove, 116 Lakeshore Dr., also addressed the concerns of the public comments and the Planning Commission members.

The Chairman opened the floor for additional questions or comments from the Public.

Jim Gilbert, Quay North #822, spoke in opposition to the project (via Zoom).

Karen O'Connel, 122 Lakeshore Dr. #PH32, spoke in opposition to the project (via Zoom).

Louis Portman, 130 Lakeshore Dr. #1022, spoke in opposition to the project (in person).

The Chairman closed the public comments.

The Planning Commissions members discussed whether residents of Old Port Cove need to be members of the Yacht Club to utilize the restaurant; whether the petitions sent out by Belle's were sent to residents of Old Port Cove or to outside members; discussion regarding parking and noise, and a possible compromise; whether the number of boat slips is correct – 145 as stated in meeting packet or 202 as listed in membership documents; whether the applicant would be willing to drop four tables on the north side and utilize the existing building and additional planting as a buffer; and whether there are plans for umbrellas to be used on the outdoor tables.

Motion: Mr. Solodar moved to recommend to Village Council to deny the application as submitted. Mr. Hicks seconded the motion, which passed 4-3, with Mr. Hogarth, Ms. DeWitt and Mr. Haigh voting nay.

V. ADMINISTRATION MATTERS

A. Staff Updates:

- 200 Yacht Club Dr. project will be coming before the Planning Commission next month. It's the first major project under the new code.
- The next Planning Commission meeting will be scheduled for the second Tuesday of November due to Election Day scheduled for the first Tuesday.

B. Commission Member Comments:

- Status of the Prosperity Village project now that they have started clearing the land.
- Is there a procedure for residents when they encounter Gopher Tortoises in the street.

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- Discussion regarding the size of mega boats moored behind residential homes.
- Discussion regarding the Camelot property as it is preparing for demolition.

VI. ADJOURNMENT

With there being no further business to come before the Board, the meeting adjourned at 8:36 PM.

Minutes typed by Jane Lerner