



**VILLAGE OF NORTH PALM BEACH
PLANNING COMMISSION
REGULAR MEETING MINUTES
TUESDAY OCTOBER 6, 2020**

Present:

Cory Cross, Chairman
Donald Solodar, Vice Chair
Jonathan Haigh, Member
Lori Rainaldi, Member
Kathryn DeWitt, Member

Len Rubin, Village Attorney
Jeremy Hubsch, Community Development Director
Alex Ahrenholz, Principal Planner
Michael Applegate, IT Director

Not Present:

Thomas Hogarth, Member
Jake Furlott, Member

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 6:30 PM.

IA. ROLL CALL

All members of the Planning Commission were present except Mr. Hogarth and Mr. Furlott.

II. APPROVAL OF MINUTES

The Minutes of the September 1, 2020 Regular Meeting were approved as corrected.

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 2020-1724: Marathon Automotive Service Station Signage

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Request: Application by Kemp Signs and Service Inc. on behalf of JSG 900 Realty LLC. to change the existing Sunoco signage to Marathon.

Mr. Ahrenholz presented the Staff report and recommendation. The Applicant is seeking to change the signage and colors of the existing automotive service station from Sunoco branding to Marathon. This will include the monument sign, canopy sign and colors, building colors and fuel pumps. The building is proposed to change from gray to white as shown in the Applicant's submittal materials. The fuel pumps are also proposed to change to the typical Marathon branding from the existing Sunoco pumps. The monument sign is proposed to be a direct replacement of the existing Sunoco sign on the corner. The sign will be internally illuminated. The proposed application is consistent with the Village Master Plan, the Appearance Code, and other zoning requirements. The building was painted prior to being brought before the Planning Commission 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 Chairman opened the floor for comments from the public. There were no comments from the public.

The Planning Commissions members discussed the rebranding of the car wash at this location, which had been previously approved; whether there is a time limit for the applicant to apply for a permit if the work was done prior to approval; whether the canopy will remain white in color; whether the letters on the sign are individually mounted or is it a cabinet sign; and whether the letters are individually lit.

Mari Morales, Lead Permit Tech, Kemp Signs, 1740 Hill Ave., West Palm Beach, was present to represent the project.

Motion: Mr. Solodar moved to approve the application with Staff's recommendation and with the condition that the paint permit be issued and completed within three (3) months. Ms. Rainaldi seconded the motion, which passed 5-0.

2. COA 2020-1645: Mazda of Palm Beach

Request: Application by JAO Architects on behalf of Palm Beach Autoplex LLC. for façade improvements to the existing Mazda car dealership.

Mr. Ahrenholz presented the Staff report and recommendation. The Applicant is proposing a new façade to the existing Mazda of Palm Beach located on the northwest corner of Northlake Boulevard and Alternate A1A. The new façade will incorporate varying building heights, implementation of glass elements, such as a 'jewel box', which will allow for a vehicle to be raised to the false second floor to be seen from Northlake and A1A. The proposed work includes façade modifications only. There is no change to square footage or building use. The existing building is 20' 6" tall to the top of the parapet around most of the building. The middle parapet element on the East elevation, facing Alternate A1A, is 26 feet tall. The proposed building will have that East elevation as well as the South Elevation raised up to 26 feet. The landscaping is proposed to remain the same. The proposed signage on the building and colors are representative of the new branding of the company nationally. As shown on the materials sheet, the new façade will include black and white metal panels with gray metal accent strips. The building colors will be gray with white accents. The proposed Site Plan does not meet the code requirement of 94 parking spaces. Staff will require that parking meets the required minimum of 94 parking spaces for

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customer and employee parking by transitioning some of the existing inventory spaces to customer and employee parking.

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

1. Obtain a building permit for the proposed building modifications.
2. Before issuance of building permit, the proposed site plan shall be updated to reflect seven (7) vehicle inventory spaces labeled as customer or employee spaces.

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

Jose Obeso, J.A.O. Architects, 3100 NW Boca Raton Blvd. #115, Boca Raton, was present to represent the project.

The Planning Commissions members discussed whether the landscaping would be changing, and if so, does a landscape plan also need to be presented; concern that the landscape may potentially block the jewel box display as the trees mature; and concern that the branding is continuing a black, white and gray color scheme along Northlake Blvd.

Motion: Ms. Rainaldi moved to approve the application as presented with Staff's recommendations, and the condition that the landscaping remain intact. Ms. Dewitt seconded the motion, which passed 5-0.

3. COA 2020-1772: North Palm Beach Marina

Request: Application by Coteleur & Hearing on behalf of SHM North Palm Beach, LLC. for the installation of a portable restroom facility.

David Milledge, Sr. Project Manager, Coteleur & Hearing, 1934 Commerce Lane, #1, Jupiter, was present to represent the project.

Stephanie McLaughlin, Regional VP Florida (East), 807 Easterly Rd., North Palm Beach, was present to represent the project.

Mr. Hubsch introduced Mr. Milledge, who presented the project. The applicant is seeking an Amendment to the COA granted last month, in that the Applicant is seeking to convert the existing non ADA compliant restrooms in to a food prep area in order to obtain a different type of beverage license with the State. A 4COP license will allow the Applicant to sell individualized liquor based canned beverages for consumption on site. The sale and consumption of poured liquor will continue to be prohibited. The Applicant will install an ADA accessible restroom module on the west side of the existing Ship's Store, where the existing covered awning is located. There is currently no ADA accessibility on site. The proposed module will include three (3) restrooms, one of which is ADA compliant. Around the module are proposed lattices and landscaping in planters will be installed to further smooth and refine the appearance of the restroom facility. An under-utilized patch of asphalt will be removed and converted into additional open and green space with plant materials.

Mr. Hubsch presented the Staff recommended conditions:

1. Obtain a permit for the scope of work as provided herein.

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2. Provide lattice or other decorative element at the bottom of the modular building to block the wheels.
3. Provide ADA accessible ramp with required dimension set forth by the United States Access Board.

In order to allow the Applicant to sell bottled alcoholic beverages with liquor an amendment to development order for COA-2020-1379, Condition #4 stating:

“The sale of alcohol will be permitted with the exception of liquor”

To now state *“A 4COP license may be allowed on site, however, there shall be no quarts, fifths, or miniatures used for serving for on-site consumption, nor shall shots be provided. The only utilization of liquor for on-site consumption, shall be canned liquor based drinks that have an alcohol content below 20% alcohol by volume (ABV).”*

This will allow the sale of pre-mixed cocktails in containers which alcohol content does not typically exceed 12%. Though it is technically liquor, the intent of the original condition was to limit the sale of shots and heavy mixed drinks in a typical bar setting.

The Chairman opened the floor for comments from the public.

Ms. Pat Friedman, 1208 Marine Way, expressed concerns regarding what considerations and precautions will be in place for the module in the event of a hurricane.

There being no further comments from the public, the Chairman closed the floor.

The Planning Commissions members discussed concerns that additional requests for this project have come in piecemeal, making it difficult for the Board to get the “big” picture of what they want to accomplish; which type of planters and planting material will be used to screen the bottom of the facility; recommendation that an opaque material be used in lieu of the lattice screening; recommendation that each door has lighting and lighting around the back; recommendation that the food truck be operational once the restrooms have been installed and inspected; recommendation that a written hurricane plan be submitted to Staff; and recommendation that the site plan be modified to reflect the recommendations that screening be placed around the handicap accessible ramp and railing.

Motion: Ms. Rainaldi moved to approve the application with Staff’s recommendations of:

1. Obtain a permit for the scope of work as approved herein;
2. Provide lattice or other decorative element at the bottom of the modular building to block the wheels.
3. Provide ADA accessible ramp with required dimension set forth by the United States Access Board.
4. In order to allow the Applicant to sell bottled alcoholic beverages with liquor, an amendment to development order for COA-2020-1379, to state: *“A 4COP license may be allowed on site, however, there shall be no quarts, fifths, or miniatures used for serving for on-site consumption, nor shall shots be provided. The only utilization of liquor for on-site consumption, shall be canned liquor based drinks that have an alcohol content below 20% alcohol by volume (ABV).”*

And the Planning Commission conditions that:

1. A Hurricane Plan be filed with Staff;

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2. An opaque material be used in lieu of the lattice screening around the bottom of the module;
3. Each door of the module have lighting;
4. An awning similar to the other treatments be added to the door on the rear of the module;
5. The food truck become operational once the restrooms have been installed and inspected; and
6. The site plan be modified to reflect the screening around the handicap ramp and railings.

Mr Solodar seconded the motion, which passed 5-0.

B. ORDINANCES

1. Application No. 2020-2184: A1A Corner Plaza

Request: Application by Cotleur & Hearing on behalf of Princeton Holdings Group South, LLC requesting a rezoning from CC to C1, Subdivision of two lots, Planned Unit Development with waivers and site plan review for the development of 7,341 SF of retail and 16 fuel service pumps.

David Milledge, Sr. Project Manager, Cotleur & Hearing, was present to represent the Applicant with a request for rezoning, Subdivision, PUD with waivers and site plan review for the development of a fuel service station and retail sales. The project is located at the corner of Alt. A1A and Richard Rd. on a vacant lot. A slide presentation was provided outlining the project details. The Applicant is requesting rezoning from CC to C-1 and waivers for set backs, landscape/trees, signage and parking.

Mr. Hubsch presented the Staff report and recommendation. Since 2019, the Applicant has been working with Staff, has held two community workshops and took the feed back from residents and staff, and submitted their application in late 2019. The applicant was encouraged to incorporate the Village's new architectural guidelines and has submitted plans that are Anglo-Caribbean inspired. Staff and residents were also concerned about truck traffic exiting along Richard Rd. and the applicant has agreed to make the entrance along Richard Rd. as ingress only. In addition, truck traffic will only be allowed access from Alt. A1A. Staff wanted to ensure that the Applicant provided heavy landscape screening in two areas of the property. One, the rear of the property adjacent to the residential properties. Here, the Applicant is proposing a 6-foot concrete wall and a rear landscape buffer with a mixture of shrubs, four Sea Grape's, three Live Oaks, four gumbo limbo's and 20 Mahogany trees to visually screen the site from the neighboring properties. The second area of focus is the south and southwest corner of the property where the gas canopy will be visible from Alternate A1A. The Applicant is installing a raised berm along this portion of the property, with groundcover and shrubs. The Applicant is proposing eight Royal Palms in this area, along with eight Japanese Blueberry trees that will be 12' tall on installation for screening.

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

1. Applicant shall receive a permit from Palm Beach County Environmental Resource Department for construction within Wellfield Zone prior to issuance of building permit.
2. Applicant shall receive a permit from the Florida Department of Transportation for driveway access and right-of-way dedication along Alternate A1A prior to approval of plat.
3. Prior to the issuance of the first building permit for vertical construction, Applicant shall submit covenants and restrictions providing for unity of control of the entire project and maintenance of all common areas

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and improvements and a shared parking agreement to the Village Attorney for review and shall obtain the Village Attorney's approval.

4. Prior to issuance of the first building permit for vertical construction, Applicant shall submit a lighting plan to the Community Development Department showing the types of light fixtures proposed. Where feasible, the Applicant shall attempt to shield lighting to reduce spillover into neighboring properties and attempt to use dark-sky friendly fixtures.
5. All infrastructure, including but not limited to fire hydrant, street lights, water meter, etc. proposed on the approved site plan shall be maintained by the property owner.
6. The Applicant shall reserve water and sewer capacity with Seacoast Utility Authority and provide the Village with the Developer's Agreement prior to the issuance of the first infrastructure permit.
7. Prior to issuance of the first building permit, the Applicant shall have underground water mains and fire hydrants installed, completed, and in service.
8. Prior to certificate of occupancy, sidewalk easement shall be created in coordination with Florida Department of Transportation for portion extending into private property.
9. The Applicant shall relocate all existing native trees per the approved tree disposition plan prior to beginning engineering site work.
10. If any significant archeological resources are found on site during development and construction, the Applicant shall notify Village staff and following the procedures outlined in Section 21-104.
11. Applicant shall submit irrigation plans as part the building permit review.
12. All light poles being relocated along Alternate A1A shall underground the wires.
13. Prior to CO, Applicant shall install "No Truck" signs (R5-2 OR R5-2a as specified by the Federal Highway Administration) at the entrance to Richard Rd.
14. Applicant shall be bound by all oral and written representations made both on the record and as part of the application process irrespective of whether such representations are included as formal conditions.
15. The conditions of approval shall be binding on the Applicant and its successors in interest and assigns and a violation of such conditions shall constitute a violation of the Village Code of Ordinances and may be enforced by the Village as set forth in Article VI, Chapter 2 of the Village Code or as otherwise authorized by law.
16. When submitting for permit, master signage plan shall be updated for the retail building to limit the façade signage to 5% of storefront measured to the parapet.

The Planning Commissions members discussed whether the overhead lines along A1A will be buried, whether the lift station at the entrance can be relocated; whether the signage for the gas station could be similar to the retail signage in order to tie the two together (color, style, materials); whether the overhang at the front entrance of the convenience store is actually providing cover, or is it just a feature; whether an additional bike rack can be added at the retail shops; expressed concerns with the applicant's proposed Master Signage Program (Sections A2, C4, C6 and D1a); whether the landscape at the entrance off of Richard Rd. can be enhanced; whether there are any median modifications proposed; suggestions on tree choice along the buffer wall under the power lines; concern for the ability to provide maintenance of the wall and trees; suggestion to use an extra parking space to add a landscape buffer to the north side of the double dumpster; whether a precedence is being set by allowing a six foot wall; and whether there is a gap in the roof line of the *7-Eleven* building as shown on the architectural elevations.

Mr. Don Hearing, Principal of Cotleur & Hearing, 1934 Commerce Lane, Suite 1, Jupiter, was also present to represent the project and answer the Planning Commission concerns.

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Brandon Wolfe, 7-Eleven Corp., was also present for the presentation.

The Chairman opened the floor for comments from the public.

James Jarvis, 2720 Hinda Rd., Lake Park, expressed his concerns regarding the impact on the residential properties behind the project, specifically noise and lighting, and what is the proposed plan for the trees along the property line.

There being no further comments from the public, the Chairman closed the floor.

Motion: Ms. Dewitt moved to approve the project as presented and with the following conditions:

1. Applicant shall receive a permit from Palm Beach County Environmental Resource Department for construction within Wellfield Zone prior to issuance of building permit.
2. Applicant shall receive a permit from the Florida Department of Transportation for driveway access and right-of-way dedication along Alternate A1A prior to approval of plat.
3. Prior to the issuance of the first building permit for vertical construction, Applicant shall submit covenants and restrictions providing for unity of control of the entire project and maintenance of all common areas and improvements and a shared parking agreement to the Village Attorney for review and shall obtain the Village Attorney's approval.
4. Prior to issuance of the first building permit for vertical construction, Applicant shall submit a lighting plan to the Community Development Department showing the types of light fixtures proposed. Where feasible, the Applicant shall attempt to shield lighting to reduce spillover into neighboring properties and attempt to use dark-sky friendly fixtures.
5. All infrastructure, including but not limited to fire hydrant, street lights, water meter, etc. proposed on the approved site plan shall be maintained by the property owner.
6. The Applicant shall reserve water and sewer capacity with Seacoast Utility Authority and provide the Village with the Developer's Agreement prior to the issuance of the first infrastructure permit.
7. Prior to issuance of the first building permit, the Applicant shall have underground water mains and fire hydrants installed, completed, and in service.
8. Prior to certificate of occupancy, sidewalk easement shall be created in coordination with Florida Department of Transportation for portion extending into private property.
9. The Applicant shall relocate all existing native trees per the approved tree disposition plan prior to beginning engineering site work.
10. If any significant archeological resources are found on site during development and construction, the Applicant shall notify Village staff and following the procedures outlined in Section 21-104.
11. Applicant shall submit irrigation plans as part the building permit review.
12. All light poles being relocated along Alternate A1A shall underground the wires.
13. Prior to CO, Applicant shall install "No Truck" signs (R5-2 OR R5-2a as specified by the Federal Highway Administration) at the entrance to Richard Rd.
14. Applicant shall be bound by all oral and written representations made both on the record and as part of the application process irrespective of whether such representations are included as formal conditions.
15. The conditions of approval shall be binding on the Applicant and its successors in interest and assigns and a violation of such conditions shall constitute a violation of the Village Code of Ordinances and may be enforced by the Village as set forth in Article VI, Chapter 2 of the Village Code or as otherwise authorized by law.

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16. When submitting for permit, master signage plan shall be updated for the retail building to limit the façade signage to 5% of storefront measured to the parapet.
17. Provide additional landscaping around the lift station.
18. Extend the roof overhang at the convenience store to provide adequate shading/coverage.
19. Gas station signage and retail building signage to be consistent in architecture, colors and materials.
20. Add an additional bike rack in front of the retail building.
21. Add additional landscaping, at the Southwest corner of Alt. A1A and Richard Rd.
22. Remove an extra parking space, combine the three dumpsters in to one dumpster space and landscape the north side of the enclosure.
23. Update applicant's Master Signage Plan by redacting Section A.2, and modify Section D.1(a) by removing "or other color as designated by landlord."
24. Paint the flat roof section to match the angled roof portion.

Mr. Haigh seconded the motion, which passed 5-0.

V. ADMINISTRATION MATTERS

A. Staff Updates:

- The Code Amendments were passed by Council on 9/24/2020 and have been sent to the State. There will be a 30 day grace period before they go into effect.
- The next regular meeting will fall on Election Day (11/3/2020). Will be rescheduled to Tuesday November 10, 2020.
- Planner Justin Revis has returned to Grad School and is no longer with the Village.

B. Commission Member Comments:

- Status of the approved project at the Village Grocer on Prosperity Farms Rd.

Public Comment request was received on-line:

Theresa & Dennis Cleary, 2781 Hinda Rd., Lake Park, expressed their concerns regarding the proposed project and displeasure that the meeting was held on-line.

VI. ADJOURNMENT

With there being no further business to come before the Board, the meeting adjourned at 8:25 PM.

Minutes typed by Jane Lerner