



**VILLAGE OF NORTH PALM BEACH
PLANNING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, JUNE 2, 2020**

Present:

Cory Cross, Chairman
Thomas Hogarth, Member
Jake Furlott, Member
Jonathan Haigh, Member
Lori Rainaldi, Member
Kathryn DeWitt, Member

Len Rubin, Village Attorney
Jeremy Hubsch, Community Development Director
Justin Revis, Planner
Michael Applegate, IT Director

Not Present:

Donald Solodar, Vice Chair

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. Solodar who was absent. Ms. DeWitt joined the meeting at 6:38 PM.

II. APPROVAL OF MINUTES

The Minutes of the April 28, 2020 Special Meetings were approved as written.

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 2020-0806: BENJAMIN SCHOOL - Awning**
Location: 11000 Ellison Wilson Road

Minutes of Village Planning Commission Regular Meeting held on June 2, 2020

Request: An application submitted by Dawn M. Mattei on behalf of the Benjamin Private School Inc., requesting Certificate of Appropriateness (COA) approval in order to build an awning.

Mr. Revis presented the Staff report and recommendation. The applicant is requesting approval to construct a pair of awnings. One awning, referred to as Awning A is located behind the southern entrance along McLaren Road and the other, referred to as Awning B, is located near the drop off/pick up location along Ellison Wilson Road on the northwest corner of the property. Awning A is a T shaped walkway cover from the car drop off area to two classrooms. The proposed awning design is a shed style, and the color is Patio 500 White. Awning B is a rectangular covering over an outdoor eating area, also a shed style, and will be Benjamin Blue in color. Staff requests the Commission include the following condition(s) as a part of their order:

1. Obtain a building permit for the proposed awnings as approved.

Leslie Downs, COO and CFO Benjamin School, was present to represent the project.

The Planning Commissions members were supportive of the design and colors, and had no discussion.

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

2. COA 2019-2161: 844 PROSPERITY FARMS CORP - Fence

Location: 844 Prosperity Farms Road

Request: An application submitted by Leib Ezagui on behalf of the 844 Prosperity Farms Corporation, requesting Certificate of Appropriateness (COA) approval in order to build a fence.

B. ZONING/VARIANCE APPLICATIONS

1. PROJECT 2020-0353: 844 Prosperity Farms Corp - VARIANCE

Request: An application submitted by Leib Ezagui on behalf of the property owner 844 PROSPERITY FARMS CORP, requesting a VARIANCE from section 45-36(D) [General Provisions] of the Village Code of Ordinances in order to install a 5-foot high fence within the front and side setback, rather than be limited to a 4-foot fence on the side (west) and no fence along the front (north) as required by Code.

Mr. Hubsch advised the Planning Commission members that the next two items, a COA and Variance for 844 Prosperity Farms Road will be presented together and voted on separately, and per Attorney Len Rubin, the Variance must be voted on first. If passed, the COA can then be voted on.

Mr. Revis presented the Staff report and recommendation. The Applicant is requesting a Certificate of Appropriateness and a Variance from section 45-36(D) of the Village Code of Ordinances in order to install a 5-foot wall within the front yard setback and within 20 feet of the street side property line. Section 45-36(D) prohibits walls from being located between the required front yard setback and the front property line and requires that walls be less than 4 feet in height if located within 20 feet of a street side property line. The proposed wall has a three foot tall cement block base that will be painted Dove White, the same color as the building, with a two foot tall fence on top of the base that will be painted black. The building color (Dove White) was approved by Planning Commission on October 1, 2019, although it has not yet been painted. The

Minutes of Village Planning Commission Regular Meeting held on June 2, 2020

site currently has a chain link fence, forest green in color. Staff requests the Commission include the following condition(s) as a part of their order:

1. Obtain a building permit for the proposed wall as approved.

Leib Ezagui, 844 Prosperity Farms Rd., North Palm Beach, was present to represent the project. He advised that they are now requesting to increase the height of the fence from five (5) feet to six (6) feet for safety concerns, in light of recent escalated religious attacks against places of worship, synagogues in particular, throughout the world. A security consultant completed an assessment of the synagogue's vulnerabilities and the top concern is the accessibility from the street and inability to stop or deter a vehicle from driving through the fence into the facility.

The Planning Commission discussed their concerns, which included whether the proposed wall is to be placed just behind the sidewalk; desire to see a landscape buffer/planting area between the sidewalk and the wall; whether the clearances required for fire hydrants, water mains/plumbing and street lights have been taken into consideration; whether the horizontal placement of the slats in the fence can be used as a ladder; whether a six foot tall wall surrounding the site will make it look like a compound; whether the trees currently on site will remain; and whether the applicant is asking for more than the variance allows. Mr. Cross would like Village Council's guidance on addressing issues that don't rise to the level of a variance but are more than a COA.

The Planning Commission recommends that new renderings be represented of what is actually being proposed and to include Planning Commission's suggestions, show the wall setbacks, landscape details, changes that may need to be made to the parking lot, a four foot fence at the parking lot, a five foot fence for the playground, and details showing the gate.

Motion: Ms. DeWitt moved to continue the Variance and COA to the next meeting on July 7, 2020. Mr. Furlott seconded the motion. The Motion passed 6-0.

V. ADMINISTRATION MATTERS

A. Staff Updates:

- Village Council will be resuming in-person meetings in July; would Planning Commission like to resume having in-person meetings starting in July as well.
- The Code Rewrite Special Meeting - would Planning Commission prefer a separate meeting for the code re-write discussion with the consultants, or add it to the agenda of the July 7th Regular Meeting? The consensus of the Board agreed to have the Code Re-Write discussion at the July 7th Regular Meeting.

B. Commission Member Comments:

- Status of the building paint at the BP Station on US 1 approved at the April 28, 2020 Planning Commission meeting. It appears to be painted, but not in compliance with the approved Motion.

VI. ADJOURNMENT

With there being no further business to come before the Board, the meeting adjourned at 7:34 PM.