

**MINUTES
SITE PLAN REVIEW AND APPEARANCE BOARD
CITY OF DELRAY BEACH**

MEETING DATE: April 27, 2022

MEETING PLACE: City Commission Chambers

1. CALL TO ORDER

The meeting was called to order by Todd L'Herrou, Chairman at 5:03 P.M.

2. ROLL CALL

A quorum was present.

Members Present: Todd L'Herrou, Chair; Dana Post Adler, Vice Chair; Price Patton, 2nd Vice Chair; John Brewer; Steven Cohen; Annette Gray; Carol Perez

Absent: None

Staff Present: William Bennet, Assistant City Attorney; Amy Alvarez, Principal Planner; Jennifer Buce, Planner; Brian Ruscher, Planner and Rochelle Sinisgalli, Board Secretary.

3. APPROVAL OF AGENDA

Item 8.E has been removed from the Agenda.

MOTION to APPROVE the amended the April 27, 2022, agenda by Annette Gray and seconded by Dana Post Adler.

MOTION CARRIED 6-0

4. MINUTES

Motion to approve the minutes for January 12, 2022, and January 26, 2022, was made by Dana Post Adler and seconded by Carol Perez.

Price Patton arrived at 5:06 PM.

5. SWEARING IN OF THE PUBLIC

Todd L'Herrou, Chairman read the Quasi-Judicial Rules for the City of Delray Beach and Ms. Sinisgalli swore in all who wished to give testimony.

6. COMMENTS FROM THE PUBLIC

None

7. PRESENTATIONS

None

8. QUASI-JUDICIAL HEARING ITEMS

A. Lynn Townhomes (2021-195): Consideration of a Class V Site Plan, Landscape Plan, and Architectural Elevations for the construction of a 3-unit townhome development to be known as Lynn Townhomes and located at 712 NE 8th Avenue.

Address: 712 NE 8th Avenue

PCN: 12-43-46-09-32-000-0230

Applicant/Agent: Jared Collin; jared@collinbuilders.com

Planner: Jennifer Buce; buce@mydelraybeach.com

Jennifer Buce, Planner entered Project File 2021-195 into the record.

Exparte

Todd L'Herrou- None

Dana Post Adler- None

Price Patton- None

John Brewer-None

Steven Cohen-None

Annette Gray-None

Carol Perez- Spoke with the Applicant.

Applicant Presentation

Jared Collin, Collin Builders; 127 N M Street, Lake Worth, FL 33460

Staff Presentation

Jennifer Buce, Planner presented the project from a Microsoft PowerPoint presentation.

Rebuttal/Cross

None

Public Comment

Joyce Moody, Palm Trail HOA Member. Ms. Moody was supportive of the project but wanted to ensure that large street trees are installed to increase the tree canopy in the Palm Trail neighborhood.

Board Comments

Carol Perez wanted to make sure that proper landscape screening will be installed on the perimeter of the property. Ms. Perez had concerns regarding the narrow windows located on the façade along 8th Avenue.

John Brewer was concerned about the safety of the sidewalk bump outs.

Dana Post Adler recommended that color be added to the grey trim.

Price Paton asked the applicant the size of the trees that will be installed and the color of the chain-link fence that will be installed in the rear of the property.

Steven Cohen was concerned regarding the narrow windows and the appearance of a blank wall on the front façade. Mr. Cohen asked the applicant regarding the size of the trees that will be installed.

Todd L'Herrou inquired about the color and design of the structure. The applicant indicated that faux wood tile will be installed on the western elevation of the structure.

MOTION to move approval of the Class V (2021-195) Site Plan, Landscape Plan, and Architectural Elevations for Lynn Townhomes at 712 NE 8th Avenue), by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations was made by Price Patton and seconded by John Brewer.

MOTION Failed 2-4

Dissenting Annette Grey, Carol Perez, Dana Post Adler, and Todd L'Herrou

MOTION to move to continue with direction to address the concerns regarding the visual appeal of the structure, to include the narrow windows and open space on the front façade was made by Carol Perez and seconded by Dana Post Adler.

Motion Carried 6-0

B. 1845 SW 4th Avenue (2022-128): Consideration of a color change for the warehouses in Delray Industrial from a light shade of green, white and grey to "Quick Silver" and "Storm Cloud" shades of grey on the body of the structure, "Tricorn Black" on the fascia and "North Stars" blue on the doors.

Address: 1845 SW 4th Avenue

PCN:12-43-46-29-00-000-1040

Agent: Fred A. Zorovich, Trustee; (954)-923-1499

Planner: Waltayvis Carruthers, carruthersw@mydelraybeach.com

Waltayvis Carruthers, Assistant Planner entered Project File 2022-128 into the record.

Exparte

Todd L'Herrou- None

Dana Post Adler- None

Price Patton- None

John Brewer-None

Steven Cohen-None

Annette Gray-None

Carol Perez- None

Applicant Presentation

Todd Gallo, TWG Enterprises Waterproofing and Painting; 605 SE 1st Avenue Suite H, Delray Beach FL, 33444

Ray Zorovich, Property Owner

Staff Presentation

Waltayvis Carruthers, Assistant Planner presented the project from a Microsoft PowerPoint presentation.

Rebuttal/ Cross

None

Public Comment

None

Board Comments

Carol Perez supported the color change as it brightens up the buildings.

John Brewer was supportive of the color change as it improves the appearance of the buildings.

Dana Post Adler was supportive of the color change and inquired as to the paint colors of other warehouse buildings that the applicant owns in other municipalities.

Steven Cohen was supportive of the color change.

MOTION to move approval of the color change request from a light shade of green, white, and grey to “Quick Silver” and “Storm Cloud” shades of grey on the body of the structure, “Tricorn Black” for the fascia and “North Stars” blue on the doors for the property located at 1845 SW 4th Avenue, by finding that the request is consistent with the Land Development Regulations and the Comprehensive Plan was made by Price Patton and seconded by Steven Cohen.

MOTION CARRIED 7-0

C. Jardin Del Mar, Unit 110 (2022-135): Consideration of a Class I Site Plan Modification for Unit 110 of Jardin Del Mar at 200 South Ocean Boulevard associated with elevation changes to the north and south elevations.

Address: 200 South Ocean Boulevard

PCN: 12-43-46-16-58-001-1100

Applicant/Agent: John and Stacia Lynch;thelynchfamily5@aol.com / Roy Simon, Architect; Roy@roysimonarchitect.com

Planner: Jennifer Buce; Buce@mydelraybeach.com

Jennifer Buce Planner entered Project File 2022-135 into the record.

Todd L'Herrou- None
Dana Post Adler- None
Price Patton- None
John Brewer-None
Steven Cohen-None
Annette Gray-None
Carol Perez- None

Applicant Presentation

Roy Simon, Architect; 766 SE 5th Ave, Delray Beach, FL 33483

Staff Presentation

Jennifer Buce, Planner presented the project from a Microsoft PowerPoint presentation.

Rebuttal/ Cross

None

Public Comment

None

Board Comments

Dana Post Adler was supportive of the project and found that the improvement was visually consistent with the other units in the building.

John Brewer was supportive of the project

Carol Perez was supportive of the project.

MOTION to move approval of the Class I Site Plan Modification for Unit 110 of Jardin Del Mar at 200 South Ocean Boulevard associated with elevation changes to the north and south elevations, by finding that the request is consistent with the Land Development Regulations and the Comprehensive Plan was made by Dana Post Adler and seconded by Annette Gray.

Motion Carried 7-0

D. Enclave at Sherwood (2021-106): Consideration of a Class II Site Plan Modification, Landscape Plan, and Architectural Elevations for Enclave at Sherwood associated with the development of 79 single family homes; recreational facility; and site improvements.

Address: 170 Sherwood Park Drive

PCN: 12-43-46-13-25-007-0030

Owner: Sherwood Park Golf Club, Inc.

Applicant: Andrew Maxey, Pulte Group

Agent: Wendy Tuma & Sandra Megrue, Urban Design Studio

Planner: Rachel Falcone, Planner; FalconeR@mydelraybeach.com

Rachel Falcone, Planner entered Project File 2021-106 into the record.

Exparte

Todd L'Herrou- None
Dana Post Adler- None
Price Patton- None
John Brewer-None
Steven Cohen-None
Annette Gray-None
Carol Perez- None

Applicant Presentation

Sandra Megrue, Urban Design Studio; 610 Clematis Street, West Palm Beach, FL 33401

Staff Presentation

Rachel Falcone, Planner presented the project from a Microsoft PowerPoint presentation.

Rebuttal/ Cross

None

Public Comment

Sharla Ryals, 4610 Sherwood Forest Drive. Ms. Ryals is the Homeowners Association Secretary and is supportive of the project as the proposed architectural style and proposed landscape tree canopy matches the existing Sherwood Forest community.

Board Comments

Price Patton inquired about the landscape plan and the tree mitigation plan. Mr. Patton asked the applicant what steps the developer would take to prevent the same architectural style from being repeated on adjacent structures.

Dana Post Adler inquired from the applicant if workforce housing was provided and if sufficient parking spaces were provided at the club house. Ms. Post Adler recommended that additional benches be provided on the north portion of the development.

John Brewer commended the applicant for working with the residents of the surrounding community. Mr. Brewer recommended that additional benches need to be provided.

Annette Gray asked the applicant if attempts were made to obtain permission from Lake Worth Drainage District to make landscape improvements. Ms. Gray was concerned regarding potential traffic congestion on the entrance and exit to Atlantic Avenue during peak times.

Carol Perez commended the proposed extensive landscape plan, specifically the littoral landscaping.

Steven Cohen inquired about access to the open space/ preservation area, it was indicated by the applicant that a sidewalk could not be installed on the Lake Worth Drainage District property.

MOTION to move approval pending the increased number of benches along the pedestrian walkways in the top lot areas to be subject to staff approval of the request for the Class II Site Plan Modification (2021-106), Landscape Plan, and Architectural Elevations for Enclave at Sherwood located at 170 Sherwood Forest Drive, by finding that the request is consistent with the Land Development Regulations and the Comprehensive Plan was made by Dana Post Adler and seconded by Carol Perez.

MOTION CARRIED 7-0

F. Abandonment of Street Right-of-Way (2022-062-ABR-Waiver): Provide a recommendation to the City Commission regarding a request to waive the requirements of LDR Section 4.4.13(J)(1)(c), Streets and Blocks, to allow the Planning and Zoning Board to consider the abandonment of the 200 block of SE 2nd Avenue, between SE 2nd Street and SE 3rd Street.

Address/PCN: No Address or PCN, see location description above.

Applicant: Clifford Rosen, SM-CDR Assemblage Delray, LLC;
cdrosen@rosenassoc.com

Applicant/Agent: Jeff Costello, AICP, jcostello@jcplanningsolutions.com; Neil Schiller, Esq., nschiller@govlawgroup.com

Planner: Brian Ruscher, AICP; Transportation Planner, Ruscherb@mydelraybeach.com

Brian Ruscher, Transportation Planner entered Project File 2022-062 into the record.

Exparte

Todd L'Herrou- Spoke with Jeff Costello

Dana Post Adler- Spoke with Jeff Costello

Price Patton- Spoke with Jeff Costello

John Brewer-Received a tour of the property by the Applicant

Steven Cohen- Spoke with Jeff Costello

Annette Gray-Spoke with Jeff Costello

Carol Perez recused herself.

Applicant Presentation

Neil Schiller, Attorney, Government Law Group; 137 NW 1st Avenue, Delray Beach, FL 33444

Staff Presentation

Brian Ruscher, Transportation Planner presented the project from a Microsoft PowerPoint presentation.

Rebuttal/ Cross

Brain Rosen, 106 NE 16th Street, Delray Beach, FL 33444. Mr. Rosen stated that he had constructed improvements along SE 2nd Avenue to include a sidewalk and additional parking to the area that have had a positive effect for the residents of the area. Mr. Rosen stated that the abandonment will benefit the City as the area is currently undeveloped.

Brian Ruscher noted that waiver requests have been submitted and the open space provided by the applicant is required due to the proposed increased density of the development.

Public Comment

Nancy Stewart, 227 S Swinton Avenue. Ms. Stewart was in support of the project as the area is need of improvement.

Landy Saintfort, 288 SE 2nd Avenue. Ms. Saintfort was supportive of the project, she stated that the additional parking along SE 2nd Avenue has improved the area.

Board Comments

Annette Gray opposed the granting a recommendation of approval of the abandonment request as the public sector should be responsible in improving the area to support the area residents. There are large scale developments in the vicinity of this project that did not receive any alleyway abandonment.

John Brewer supported the granting of a recommendation of approval as the abandonment will benefit the neighborhood as the City and the CRA has neglected the area. Mr. Brewer asked City Staff what remedies are available to ensure that the abandoned street will be adequately maintained.

Dana Post Adler was supportive of granting recommendation of approval as it appears that the City is not adequately maintaining the alleyway.

Price Patton opposed the granting a recommendation of approval as the applicant has not met the requirements of the City's Land Development Regulations.

Steven Cohen requested clarification as to the ownership of the land if the abandonment request is granted, it was indicated by City staff that the City would no longer have any interest in the property. Mr. Cohen noted that the Land Development Regulations require a finding that the abandonment would not negatively affect the neighboring area.

Todd L'Herrou was supportive of granting a recommendation of approval as the abandonment would allow for a higher density of any future proposed project.

MOTION to move a recommendation of approval to the City Commission regarding a request to waive the requirements of LDR Section 4.4.13(J)(1)(c), Streets and Blocks, to allow the Planning and Zoning Board to consider the abandonment of the 200 block of SE 2nd Avenue, between SE 2nd Street and SE 3rd Street, by finding that the request is

consistent with the Comprehensive Plan and Land Development Regulations was made by Steven Cohen and seconded by John Brewer.

MOTION FAILED 3-3

DISSENTING Annette Gray, Annette Gray, and Dana Post Adler

ABSTAINING Carol Perez

AMENDED MOTION to inform the City Commission that the Site Plan Review and Appearance Board was split 3-3 on whether to recommend approval or denial of the requested waiver made by Price Patton and seconded by Annette Gray.

MOTION CARRIED 6-0

ABSTAINING Carol Perez

9. LEGISLATIVE ITEMS- CITY INITIATED

A. Staff Comments

Next meeting will be May 25, 2022

June 22, 2022, Michelle Hoyland will be the Principal Planner present

B. Board Comments

None

C. Attorney Comments

None

11. ADJOURN.

There being no further business to come before the Board, the meeting was adjourned at 7:59 pm.

The undersigned is the Board Clerk of the Site Plan Review & Appearance Board and the information provided herein is the Minutes of the meeting of said body for **April 27, 2022**, which were formally adopted and APPROVED by the Board on _____.

ATTEST:

CHAIR

BOARD SECRETARY

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