

**MINUTES
PLANNING AND ZONING BOARD
CITY OF DELRAY BEACH**

MEETING DATE: June 21, 2021

MEETING PLACE: Commission Chambers

1. CALL TO ORDER

The Planning and Zoning Board meeting was called to order by Chris Davey, Chairman at 6:00 P.M.

2. ROLL CALL

A quorum was present.

Members Present: Chris Davey (Chairman), Julen Blankenship (2nd Vice Chairman), Joy Howell, Max Weinberg, Allen Zeller, and Christina Morrison.

Members Absent: Rob Long (Vice Chairman)

Staff Present: Amy Alvarez, Principal Planner; William Bennett, Assistant City Attorney; Steve Tobias, Chief Building Official; Scott Pape, Principal Planner; Elizabeth Eassa, Senior Planner; Debora Slaski, Senior Planner; Rebekah Dasari, Senior Planner; and Diane Miller, Board Secretary.

Joy Howell arrived at 6:04 pm.

Max Weinberg arrived at 6:04pm.

3. APPROVAL OF AGENDA

Motion to approve the June 21, 2021 agenda made by Christina Morrison and seconded by Allen Zeller. The motion carried by the following vote:

Yes 4 – Allen Zeller, Julen Blankenship, Christina Morrison and Chris Davey.

Absent 2 – Joy Howell and Max Weinberg

MOTION CARRIED 4-0

4. MINUTES

APPROVAL OF THE MINUTES FROM THE APRIL 19, 2021, MEETING OF THE PLANNING AND ZONING BOARD

Christina Morrison made a motion to approve the minutes. It was seconded by Allen Zeller. The motion carried by the following vote:

Yes 4 – Allen Zeller, Julen Blankenship, Christina Morrison, and Chairperson Chris Davey.

Absent 2 – Joy Howell, Max Weinberg

MOTION CARRIED 4-0

APPROVAL OF THE MINUTES FROM THE MAY 17, 2021, MEETING OF THE PLANNING AND ZONING BOARD

Christina Morrison made a motion to approve the minutes. It was seconded by Julen Blankenship.

Christina Morrison amended the motion to correct Item No. 7A, motion to change to read “the gold certification to silver certification” was made by Ms. Morrison not Chris Davey. Reviewing the minutes, the minutes are correct. The comment was made by Ms. Morrison. The motion carried by the following vote:

Yes 6 – Joy Howell, Allen Zeller, Julen Blankenship, Max Weinberg, Christina Morrison, and Chairperson Chris Davey

Absent 1 - Rob Long

5. SWEARING IN OF THE PUBLIC

Chris Davey read the Quasi-Judicial Rules for the City of Delray Beach and Ms. Miller swore in all who wished to give testimony.

6. COMMENTS FROM THE PUBLIC (LIMITED TO 3 MINUTES)

Gayle Clark - 124 NE 7th Avenue - Ms. Clark is asking for a Tree Ordinance update. Would like a moratorium on cutting trees.

7. PRESENTATION

A. Flood Insurance Rate Maps: Presentation to the public of the proposed Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) for Delray Beach.

Staff Contact: Steve Tobias, Chief Building Official

Planner: Kent Walia, Senior Planner

Staff Presentation

Kent Walia, Senior Planner presented the project through a PowerPoint presentation. Mr. Walia explained some background on the map. The information on the map is to determine flood insurance, regulate the Florida Building Code,

Public Comments

None

Board Comments

Max Weinberg. Asked if the “X” area on the map will remain? Mr. Walia said yes it will.

8. QUASI-JUDICIAL HEARING ITEMS

A. Silverball Museum (2019-182): Review and consider a modification to an existing conditional use approval for the Silverball Museum, a Commercial Recreation Facility, located at 19 NE 3rd Avenue. (Public Hearing)

Agent: Betsy Chavez | Rick Brautigan Architecture;
bchavez.RBArchitecture@gmail.com

Planner: Rebekah Dasari, Senior Planner; dasarir@mydelraybeach.com

Rebekah Dasari, Senior Planner, entered the file 2019-182 into the record.

Exparte Communication

Max Weinberg-Spoke to Ms. Gelin, City Attorney

Allen Zeller-Visited the site.

Christina Morrison-Visited the site.

Chris Davey-None

Julen Blankenship-None

Joy Howell-None

Applicant Presentation

Louis Carbone-90 SE 4th Avenue

Staff Presentation

Rebekah Dasari, Senior Planner, presented the project through a PowerPoint presentation.

Public Comments

None

Cross Examination/Rebuttal

None

Board Comments

Allen Zeller-I am in favor of the project.

Christina Morrison-Commented that this is a good project.

Joy Howell-Agrees this is a good project.

Motion to approve the request to modify a Conditional Use approval for the Silverball Museum located at 19 NE 3rd Avenue to allow the expansion of the approved Commercial Recreation use, finding that the request is consistent with the Land Development Regulations and the policies of the Comprehensive Plan made by Joy Howell and seconded by Chris Davey. The motion carried by the following vote:

Yes-Joy Howell, Allen Zeller, Julen Blankenship, Max Weinberg, Christina Morrison, Chris Davey
Absent-Rob Long

MOTION CARRIED 6-0

B. 4652 Grieco Parking Lot (2019-282): Provide a recommendation to the City Commission regarding a Conditional Use request to allow a privately-operated parking lot for private use, for the property located at 15 SE 10th Street. (Public Hearing)

Address: 15 SE 10th Street

Agent: Michael Weiner, Esquire, Sachs Sax Caplan, P.L.; mweiner@ssclawfirm.com

Planner: Elizabeth Eassa, AICP, Senior Planner; eassae@mydelraybeach.co

Elizabeth Eassa, Senior Planner, entered the file 2019-282 into the record.

Christina Morrison stepped down as they are a client and worked on the project.

Exparte Communication

Julen Blankenship-Spoke to staff and received emails.

Max Weinberg-None

Allen Zeller-Visited Site and received emails.

Joy Howell-None

Applicant Presentation

Michael Weiner-Sachs Sax Caplan. Mr. Weiner is representing the client.

Staff Presentation

Elizabeth Eassa, Senior Planner, presented the project through a PowerPoint presentation.

Public Comments

James Quillian-925 SE 2nd Avenue-As a resident, I am happy with the project.

Denis Bajraktareric-Village of Swinton Square-Mr. Baijraktareric thought the design was nice but just wanted to make sure that it was only going to be cars and that no customers would be coming to the building. Staff replied that the information was correct.

Rebuttal

Elizabeth Eassa-The wall is to screen the parking lot with a mural and the wall will be on the front and side.

Michael Weiner-Sachs Sax Caplan-He wanted to say that this area is an overflow lot, and that security will be up to date.

Board Comments

Allen Zeller-Had concerns about the wall being proposed, is there going to be a PA system and signs.

Greg Malina-Architect-2801 SW 3rd Avenue, Ft. Lauderdale, Florida-He said there is going to be a chain link fence on the north and south side and over 200 trees for landscaping.

Max Weinberg-Concerned why 4 walls and P&Z staff prefers a wall; it would be a graffiti magnet. Also asked if we received the DEP letter and as of now, we have not and asked to have BullPen Parking explained.

Julen Blankenship-Asked if the temporary parking behind Starbucks will remain and is there any ending date. Mr. Weiner does not know the ending date.

Amy Alvarez-Clarification to the Board-The Board is here for the conditional use, conditions can be applied, the wall can have public art and no signage at this time.

Chris Davey-Looking to limit the signage.

Motion to recommend approval to the City Commission of, a Conditional Use request to allow a privately-operated parking lot for private use, for the property located at 15 SE 10th Street, finding that the request is consistent with the Land Development Regulations and the Comprehensive Plan made by Max Weinberg and seconded by Joy Howell.

Amend the motion to approve 3,4,5,6, 7 and 9 of the Board Consideration Items and void 1,2 and 8 of the Board Consideration Items (SPRAB should consider those items) made by Max Weinberg and seconded by Joy Howell.

The motion carried by the following vote:

Yes-Joy Howell, Allen Zeller, Julen Blankenship, Max Weinberg, Chris Davey

Step Down-Christina Morrison

Absent-Rob Long

MOTION CARRIED 5-0

Christina Morrison rejoined the meeting.

C. PHG Delray Plat (2021-007): Consideration of the Preliminary Plat and recommendation to the City Commission for the certification of the Final Plat for PHG Delray, to combine four properties generally located at the northwest corner of NE 2nd Street and NE 5th Avenue into one parcel boundary, providing of easements, and right-of-way dedications.

Address: 401 NE 2nd Street, 200 NE 5th Avenue, and 234 NE 5th Avenue, and an unaddressed vacant parcel

Owner: PHG Delray Beach, LLC.

Agent: Covelli Design Associates, Inc., mike@covellidesign.com

Planner: Scott Pape, AICP, Principal Planner, pape@mydelraybeach.com

Scott Pape, Principal Planner, entered the file 2021-007 into the record.

Exparte Communication

Julen Blankenship-None

Max Weinberg-None

Allen Zeller-Visited Site.

Joy Howell-None

Christina Morrison-None

Chris Davey-None

Applicant Presentation

Mike Covelli-Covelli Design Associates- 1209 S. Swinton Avenue, Delray Beach, Florida

Staff Presentation

Scott Pape, Principal Planner, presented the project through a PowerPoint presentation.
Correction:

A sidewalk dedication is along NE 2nd Street. On Page 2 of the staff report, note there is a clarification of a 6-foot pedestrian sidewalk easement dedication on East Atlantic Avenue. The subject property is nowhere near East Atlantic Avenue. It should read **SE 2nd**.

Public Comments

None

Board Comments

Christina Morrison-To clarify, the hotel has already been approved and we are just here for the plat.

Motion to the approval of the Preliminary Plat and recommendation of approval to the City Commission for the Certification of the Final Plat for PHG Delray, finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations made by Christina Morrison and seconded by Julen Blankenship. The motion carried by the following vote:

Yes-Joy Howell, Allen Zeller, Julen Blankenship, Max Weinberg, Christina Morrison, and Chris Davey
Absent-Rob Long

MOTION CARRIED 6-0

9. LEGISLATIVE ITEMS

A. Domestic Animal Services (2021-144): Provide a recommendation to the City Commission on Ordinance No.17-21, a City-initiated request to amend the Land Development Regulations (LDR) to adopt specific regulations for domestic animal services, which includes veterinary clinics, pet services, and pet hotel and shelter establishments, and to identify those zoning districts where domestic animal services are allowed as a principal use or as a conditional use.

Planner: Debora Slaski, Senior Planner; slaskid@mydelraybeach.com

Debora Slaski, Senior Planner, entered the file 2021-144 into the record.

Staff Presentation

Debora Slaski, Senior Planner, presented the project through a PowerPoint presentation.

Public Comments

Mathew Scott – 14 SE 14th Street – Regarding some questions, the pet hotel will be indoor only, they are required to have their own dumpster and their parking requirements are as they are due to a fast turnover.

James Quillian – 925 SE 2nd Avenue – He feels it will negatively affect his neighborhood.

Elizabeth McHugh – 732 SE 3rd Avenue – Facility is clean and quiet.

Dr. John Brown – Mayfair Animal Hospital – Concerned about mandating stand-alone generators.

Dr. Ben Carter – 836 SE 5th Avenue – Putting in a generator is going to be a cost factor.

Dr. Ronaldi – Owner of Beach Dog – 820 SE 5th Avenue -Comment that the animals at the Beach Dog do not cause any noise.

Board Comments

Joy Howell – Need a little more work on the ordinance.

Julen Blankenship – Need more outreach.

Max Weinberg – We are putting more stipulations and causing more hardships regarding the generators for small business, and we should consider that it not be retroactive.

Allen Zeller – To table for more review.

Amy Alvarez – Retro for generators but ask each business for their emergency plan first. The parking is the current requirements.

Christina Morrison – Not supportive as the ordinance stands and very concerned about pet hotels in the CBD.

Chris Davey – Suggest to postponed to July or August.

William Bennett – Staff can send an email blast.

Motion to postpone Ordinance No. 17-21, to amend the Land Development Regulations to adopt specific regulations for domestic animal services and to identify those zoning districts where domestic animal services are allowed as a principal or conditional use, by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations made by Joy Howell and seconded by Julen Blankenship. The motion carried by the following vote:

Yes-Joy Howell, Allen Zeller, Julen Blankenship, Max Weinberg, Christina Morrison, and Chris Davey

Absent-Rob Long

MOTION CARRIED 6-0

B. Sponsorship of Privately initiated LDR Amendments (2021-180): Provide a recommendation to the City Commission on Ordinance No. 25-21, a City-initiated request to amend the Land Development Regulations (LDR) to require that at least one member of the City Commission shall sponsor a privately initiated amendment to the LDRs at a City Commission Workshop prior to the submittal of an application for such a request.

Planner: Amy Alvarez, Principal Planner; alvarez@mydelraybeach.com

Amy Alvarez, Principal Planner, entered the file 2021-180 into the record.

Board Comments

Allen Zeller-In favor of the ordinance and suggest that there be two City Commissioners and the applicant to pay a fee. Ms. Alvarez said the fee for an LDR Amendment is \$5,500 plus advertising cost.

Joy Howell-Agree to start with one City Commissioner.

Julen Blankenship-I agree we should have two City Commissioners.

Christina Morrison-I concur we should have two City Commissioners.

Motion to recommend approval to the City Commission of Ordinance No. 25-21, amending the Land Development Regulations to amend the Land Development Regulations (LDR) to require that at least one member of the City Commission shall sponsor a privately initiated amendment to the LDRs at a City Commission Workshop prior to the submittal of an application for such a request, by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations made by Julen Blankenship and seconded by Christina Morrison. The motion carried by the following vote:

Yes-Joy Howell, Allen Zeller, Julen Blankenship, Max Weinberg, Christina Morrison, and Chris Davey

Absent-Rob Long

MOTION CARRIED 6-0

9. REPORTS AND COMMENTS

A. Staff

Next meeting July 19, 2021 (in person)

B. Board Attorney

Talks about conditions versus site plans

C. Board Members

Allen Zeller-Would like to revisit workshops, consider starting meetings earlier and the tree moratorium.

Joy Howell-Asking if we can attend virtually if we cannot be in person and get a Comprehensive Plan update.

10. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 10:00PM.

The undersigned is the Secretary of the Planning & Zoning Board and the information provided herein is the Minutes of the meeting of said body for June 21, 2021, which were formally adopted and APPROVED by the Board on November 15, 2021.

ATTEST:



CHAIR



BOARD SECRETARY

NOTE TO READER: If the minutes you have received are not completed as indicated above, this means they are not the official minutes of the Planning and Zoning Board. They will become official minutes only after review and approval, which may involve some amendments, additions, or deletions.