

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

MEETING DATE: June 20, 2022

MEETING PLACE: City Commission Chambers

1. CALL TO ORDER

This meeting was called to order by Chris Davey, Chairman at 5:04PM.

2. ROLL CALL

A quorum was present at call to order.

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

Absent: None

Staff Present: William Bennett, Assistant City Attorney; Amy Alvarez, Principal Planner; Rebekah Dasari, Interim Principal Planner, Andrew Allen, Planner; Alexis Rosenberg, Senior Planner and Diane Miller, Board Secretary.

3. APPROVAL OF AGENDA

Motion to APPROVE the June 20, 2022, agenda by Christina Morrison and seconded by Julen Blankenship.

MOTION CARRIED 7-0

4. MINUTES

Motion to APPROVE the September 20, 2021 and October 18, 2021 minutes by Christina Morrison and seconded by Joy Howell.

MOTION CARRIED 7-0

5. SWEARING IN OF THE PUBLIC

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

6. COMMENTS FROM THE PUBLIC

None

7. PRESENTATIONS

None

8. QUASI-JUDICIAL HEARING TERMS

A. 214 NE 22nd Lane (2022-162): Provide a recommendation to the City Commission on Ordinance No. 19-22 a City initiated rezoning request from Neighborhood Commercial (NC) to Single Family Residential (R-1-AA) for the +/-0.63-acre property located a 214 NE 22nd Lane. (PUBLIC HEARING)

Planner: Andrew Allen, Planner; allena@mydelraybeach.com

NOTE: This item was noticed for the May 16, 2022, Planning and Zoning Board Meeting. The item was not heard, and the Planning and Zoning Board continued the item to a date certain of June 20, 2022.

Andrew Allen, Planner; entered File No. 2022-162 into the record.

Exparte Communication

Max Weinberg-None

Joy Howell-None

Allen Zeller-Drive By

Christina Morrison-Consulted the Property Appraisers Office

Rob Long-None

Julen Blankenship-None

Chris Davey-None

Public Comment

None

Applicant Presentation

None

Public Comment

Cindy Wilkins, Property Owner of 214 NE 22nd Lane. She understands what is happening to the property but is disappointed because she purchased this property for a considerable amount of money. It was 5 parcels together but is at the meeting to support the change.

Board Comments

Max Weinberg asked what the owner's intention was when she purchased the property in November, and if it was commercial. Ms. Wilkins stated that it was 5 parcels and looking to enhance the property and possibly bring in another spa.

Allen Zeller asked Ms. Wilkins questions about the property, and if she would consider consolidating the lots. She said that was her intention.

Julen Blankenship asked to clarify that the City is changing zoning to Neighborhood Commercial because of a scrivener's error, and the applicant understands that if this happens, they can come back and request a rezoning. Mr. Allen replied that, that information was correct.

Christina Morrison asked Mr. Allen to verify that the only thing the board was voting on was a scrivener's error, and it was verified that was correct information.

MOTION to recommend approval to the City Commission on Ordinance No. 19-22, a City-initiated rezoning for the property located at 214 NE 22nd Lane from Neighborhood Commercial (NC) to Single Family Residential (R-1-AA) to correct a data conversion error, by finding that the rezoning and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations was made by Christina Morrison and seconded by Julen Blankenship.

MOTION CARRIED 5-2

Dissenting Max Weinberg and Allen Zeller

B. GoodVets Delray, Conditional Use (2022-166-USE-PZB): Provide a recommendation to the City Commission regarding a Conditional Use request to allow a +/- 3,000 square foot veterinary clinic within Delray Commons, located at 5068 West Atlantic Avenue. (PUBLIC HEARING)

Address: 5068 West Atlantic Avenue

PCN: 12-42-46-14-24-001-0000

Agent: Ken Just, RWE Design Build; ken@rwedesignbuild.com

Planner: Alexis Rosenberg, Senior Planner; rosenberga@mydelraybeach.com

Alexis Rosenberg, Senior Planner entered File No. 2022-166 into the record.

Exparte Communication

Julen Blankenship- None

Joy Howell- None

Allen Zeller- Visited site

Max Weinberg- None

Chris Davey- None

Rob Long- None

Christina Morrison-Visited site, checked police records

Applicant Presentation

Ken Lust-Director of RWE Design Build

Victoria Thomasino, DVM

Staff Presentation

Alexis Rosenberg, Senior Planner presented through a Microsoft PowerPoint.

Public Comment

None

Rebuttal

None

Board Comments

Christina Morrison stated that the area needs these facilities.

Max Weinberg has used GoodVets, and it is a great facility.

MOTION to recommend approval to the City Commission of a Conditional Use request for GoodVets Delray to allow a veterinary clinic at the property located at 5068 West Atlantic Avenue, finding that the request is consistent with the Land Development Regulations and the Comprehensive Plan was made by Julen Blankenship and seconded by Max Weinberg.
MOTION CARRIED 7-0

C. 2419-2613 North Federal Highway, Rezoning (2022-144): Provide a recommendation to the City Commission on Ordinance No. 21-22, a privately initiated rezoning request from General Commercial (GC) to Automotive Commercial (AC) for seven parcels, totaling +/- 4.3882 acres, located on the east side of North Federal Highway between Delmar Way and Gulfstream Boulevard. (PUBLIC HEARING)

Addresses: 2419, 2507, 2515, 2519, 2601, 2605, and 2613 North Federal Highway

PCNs: 12-43-46-04-08-000-0351; 12-43-46-04-08-000-0352;

12-43-46-04-08-000-0340; 12-43-46-04-08-000-0330; 12-43-46-04-08-000-0320;

12-43-46-04-08-000-0310; 12-43-46-04-08-000-0300

Authorized Agent: Lauren Odom, Dunay, Miskel & Backman, LLP; lodom@dmbblaw.com

Planner: Alexis Rosenberg, Senior Planner; rosenberga@mydelraybeach.com

Alexis Rosenberg, Senior Planner entered File No. 2022-144 into the record.

Exparte Communication

Julen Blankenship- None

Joy Howell- None

Allen Zeller- Visited site

Max Weinberg- Drive by

Chris Davey- None

Rob Long- None

Christina Morrison-Talked to the developer

Applicant Presentation

Bonnie Miskel-Dunay, Miskel & Backman, LLP

Staff Presentation

Alexis Rosenberg, Senior Planner presented through a Microsoft PowerPoint.

Public Comment

Malcolm Murphy-Tuntry Way. Lives in the area and looking for support for the planning process of this project.

Trey Nazarro-Attorney for the Town of Gulfstream. Mr. Nazarro talked about compatibility.

Rebuttal/Cross Examination

Alexis Rosenberg-It was noted by the applicant that the AC zoning district has a FAR of 1.0, but that is not correct. The FAR is 3.0, as regulated by the General Commercial land use designation.

Bonnie Miskel-Provides a rebuttal. The LDR does not require the applicant to prove that

there is no negative impact. Her client is committed to working with the surrounding community to mitigate any potential negative impacts.

Board Comments

Julen Blankenship-Asked what can be built on this property with the existing GC zoning. Ms. Rosenberg responded that permitted uses restaurant, retail, services and offices. The height does not change; the height maximum is 48' in both districts.

Joy Howell-Feels that the current zoning is more appropriate.

Allen Zeller-Thinks it is positive that the applicant has engaged with the homeowners in advance but concerned about loading on main streets, PA system, and test driving in communities. Ms. Miskel said that there is no side street for test driving and agrees with Mr. Zeller's comments about loading and PA system.

Rob Long-Glad there is good communications with the residents, and feels the area for car dealers is appropriate.

Christina Morrison-There are 22 car dealerships in Delray, and they have been very respectful to residents.

MOTION to recommend of approval of Ordinance No. 21-22, a privately initiated request to rezone the seven parcels located at 2419, 2507, 2515, 2519, 2601, 2605, and 2613 North Federal Highway from General Commercial (GC) to Automotive Commercial (AC), finding that the amendment and approval thereof is consistent with the Always Delray Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations made by Julen Blankenship and seconded by Rob Long.

MOTION CARRIED 6-0

D. Enclave at Sherwood Plat (2022-050-PMA and 2022-054-PMF): Consideration of the Preliminary Plat and recommendation to the City Commission for the certification of the Final Plat, "Enclave at Sherwood", a replat of the 74.91-acre Sherwood Forest plat recorded in Plat Book 62, Page 163 through 168, associated with the creation of 79 fee-simple lots, for the property currently addressed as 170 Sherwood Forest Drive.

Agent: Sandra Megrue, Urban Design Studio; smegrue@udsflorida.com

Planner: Rebekah Dasari, Interim Principal Planner; dasarir@mydelraybeach.

Rebekah Dasari, Interim Principal Planner entered File No. 2022-050 and 2022-054 into the record.

Applicant Presentation

Sandra Megrue, Urban Design Studio

Staff Presentation

Rebekah Dasari, Interim Principal Planner presented the project from a Microsoft PowerPoint presentation.

Exparte Communication

Julen Blankenship- None
Joy Howell- None
Allen Zeller- Visited Site
Max Weinberg- None
Chris Davey- None
Rob Long- None
Christina Morrison-None

Public Comment

None

Rebuttal/Cross Examination

None

Board Comments

Allen Zeller-He was concerned that there was no connectivity, not enough open space and feels they do not comply with housing requirement in the Comprehensive Plan.

MOTION to approve of the Preliminary Plat “Enclave at Sherwood”, associated with the creation of 79 fee-simple lots, for the property currently addressed as 170 Sherwood Forest Drive, finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations was made by Julen Blankenship and seconded by Joy Howell.

MOTION CARRIED 5-2

Dissenting Allen Zeller and Christina Morrison

MOTION to recommend approval to the City Commission for the certification of the Final Plat, “Enclave at Sherwood”, associated with the creation of 79 fee-simple lots, for the property currently addressed as 170 Sherwood Forest Drive, finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations made by Julen Blankenship and seconded by Rob Long.

MOTION CARRIED 5-2

Dissenting Allen Zeller and Christina Morrison

E. Home-Based Businesses (2022-183): Provide a recommendation to the City Commission on Ordinance No. 23-22, a City-initiated amendment to the Land Development Regulations (LDR) to bring regulations governing home-based business into compliance with S. 559.955, F.S. that restricts the power of municipal governments to regulate home-based businesses, by amending Section 4.3.3, “Special Requirements for Specific Uses,” Subsection (K), “Home Occupations,” and repealing Subsection (KK), “Home Tutorial Services;” amending Section 4.4.1, “Agricultural Zone District (A),” Section 4.4.2, “Rural Residential (RR) Zone District,” Section 4.4.3, “Single Family Residential (R-1) Districts,” Section 4.4.5, “Low Density Residential (RL) District,” Section 4.4.6, “Medium Density Residential (RM) District,” Section 4.4.7, “Planned Residential Development (PRD) District,” Section 4.4.13, “Central Business (CBD) District,” Section 4.4.17, “Residential Office (OR)

District,” and Section 4.4.24, “Old School Square Historic Arts District (OSSHAD); and amending Section 4.6.7, “Signs.”

Planner: Rebekah Dasari, Interim Principal Planner; dasarir@mydelraybeach.com

Staff Presentation

Rebekah Dasari, Interim Principal Planner presented the project from a Microsoft PowerPoint presentation.

Board Comments

Allen Zeller-Expresses concern that this ordinance is a direct attack on the Home Rule.

Max Weinberg-Has concerns with the State overreach into municipal issues.

William Bennett-To update the board, there was a change in the laws last year, and a statue was passed to allow

Rob Long-Agrees with his colleagues but supports the adoption of the amendment to keep the City in compliance with State law.

Christina Morrison-Home based businesses have proliferated, particularly with COVID.

MOTION to recommend approval to the City Commission of Ordinance No. 22-22, a City-initiated amendment to the Land Development Regulations (LDR) to bring regulations governing home-based business into compliance with S. 559.955, F.S. that restricts the power of municipal governments to regulate home-based businesses, by amending Section 4.3.3, “Special Requirements for Specific Uses,” Subsection (K), “Home Occupations,” and repealing Subsection (KK), “Home Tutorial Services;” amending Section 4.4.1, “Agricultural Zone District (A),” Section 4.4.2, “Rural Residential (RR) Zone District,” Section 4.4.3, “Single Family Residential (R-1) Districts,” Section 4.4.5, “Low Density Residential (RL) District,” Section 4.4.6, “Medium Density Residential (RM) District,” Section 4.4.7, “Planned Residential Development (PRD) District,” Section 4.4.13, “Central Business (CBD) District,” Section 4.4.17, “Residential Office (OR) District,” and Section 4.4.24, “Old School Square Historic Arts District (OSSHAD); and amending Section 4.6.7, “Signs;” by finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in Land Development Regulations made by Julen Blankenship and seconded by Rob Long.

MOTION CARRIED 4-3

Dissenting Max Weinberg, Allen Zeller and Christina Morrison

MOTION to reconsider to open the item due to incorrect language in the motion made by Joy Howell and seconded by Rob Long

MOTION CARRIED 7-0

MOTION as previously stated but amended to find that the approval thereof is consistent with the Comprehensive Plan and does meet the criteria set forth in the Land Development regulations made by Julen Blankenship and seconded by Joy Howell.

MOTION CARRIED 5-0

F. Accessory Structures (2022-177): Provide a recommendation to the City Commission on Ordinance No. 22-22, a City-initiated amendment to the Land Development Regulations (LDR) to establish regulations governing the appearance of accessory structures in residential zoning districts, by amending Section 4.3.3(Q), Guest Cottages, Section 4.4.2, "Rural Residential (RR) District," Section 4.4.3, "Single Family Residential (R-1) Districts," Section 4.4.5, "Low Density Residential (RL) District," Section 4.4.6, "Medium Density Residential (RM) District," Section 4.4.7, "Planned Residential Development (PRD) District," Section 4.4.17, "Residential Office (RO) District," and Appendix A to adopt a definition for Pool Houses and to amend the Accessory Building Structure, or Use definition

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

Rebekah Dasari, Interim Principal Planner entered File No. 2022-177 into the record.

Board Comments

Allen Zeller-Concerned about the height of accessory structures and parking.

Max Weinberg- States that accessory structures should keep a subordinate appearance.

Christina Morrison-Asked if the amendment has been reviewed by any neighborhood associations that would be affected by it. Ms. Dasari said that courtesy notices were sent out to HOA's that the City has contact information for. The City received calls from some residents of Oseola Park that were concerned with language about guest cottages.

Chris Davey-Says that this ordinance is a step in the right direction and where housing prices have increased, homeowners are looking to improve their homes. Thinks that the City is being pro-active by looking at the housing study.

MOTION to recommend approval to the City Commission of Ordinance No. 22-22, a City-initiated amendment to the Land Development Regulations (LDR) to establish regulations governing the appearance of accessory structures in residential zoning districts, by amending Section 4.3.3(Q), Guest Cottages, Section 4.4.3, "Single Family Residential (R-1) Districts," Section 4.4.5, "Low Density Residential (RL) District," and Section 4.4.6, "Medium Density Residential (RM) District," and Appendix A to adopt a definition for Pool Houses and amend the definition of Accessory Building, Structure or 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 Rob Long and seconded by Christina Morrison for discussion.

Discussion on additional language to limit the scale of accessory structures.

Christina Morrison to make a recommendation for an amendment to Mr. Long's motion that the accessory dwelling be of a height that is visually in proportion and harmony with the original dwelling and the neighboring dwellings.

MOTION CARRIED 7-0

9. REPORTS AND COMMENTS

A. City Staff

Amy Alvarez, Principal Planner spoke that the department has been shifting things around and she will be moving to Current Planning and be the board liaison for SPRAB. Also, Rebekah Dasari will not be the Interim Principal Planner for Long Range Planning and will be the board liaison for Planning and Zoning.

Next meetings will be July 18, 2022 and August 15, 2022. Christina Morrison and Rob Long informed the board that they will not be able to attend the July 18, 2022 meeting.

The appeal for Delray Central will be July 19, 2022 on the Commission agenda.

B. Board Attorney

None

C. Board Comments

None

10. ADJOURN

There being no further business to come before the Board, the meeting was adjourned at 8:19 pm.

The undersigned is the Board Clerk of the Planning and Zoning Board and the information provided herein is the Minutes of the meeting of said body for **June 20, 2022**, which were formally adopted and **APPROVED** by the Board on _____.

ATTEST:

Chairman

Board Secretary