

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

**MEETING DATE:** February 10, 2016

**MEETING PLACE:** City Commission Chambers

**MEMBERS PRESENT:** Vlad Dumitrescu, Roger Cope, Jim Knight, Brett Porak, James Chard, Andrew Youngross and Jose Aguila.

**MEMBERS ABSENT:** All members were present

**STAFF PRESENT:** Janice Rustin, Assistant City Attorney, Amy Alvarez, Senior Planner, Jennifer Buce, Assistant Planner, and Kelly Simmons, Board Secretary

**I. CALL TO ORDER**

The meeting was called to order by Chair Jose Aguila at 6:02 P.M.

**II. ROLL CALL**

Upon roll call it was determined that a quorum was present. Chair Jose Aguila read the Quasi-Judicial Rules for the City of Delray Beach.

**III. APPROVAL OF AGENDA**

**Amy Alvarez, Senior Planner** – Item VIII. A. Delray Beach Tennis Center was postponed this afternoon by the applicant.

**IV. SWEARING IN OF THE PUBLIC**

Mrs. Simmons swore in all who wished to give testimony on any agenda item.

**V. COMMENTS FROM THE PUBLIC**

**Bob Ganger, Florida Coalition** – At your last meeting you made a decision on Atlantic Crossing with respect to the ingress and egress options. That decision can be appealed. I can find no record of anyone appealing it. But there is a commission meeting coming up next Tuesday and there is no agenda for the meeting and there is no way that I can figure out whether or not anyone has appealed your decision or not. So I'm asking the question because I would think you would know if your decision was being appealed.

**Jose Aguila** – I've heard nothing of that fact.

**Janice Rustin** – We haven't received anything at the City Attorney's office at this time.

**Bob Ganger** – So, for the record, there is no appeal of your decision?

**Jose Aguila** – Not that we are aware of.

**Bruce Leiner, President of Harbour House Homeowners Association** – As of 5 p.m. today, I was upstairs and they knew nothing about an appeal. I called the City Attorney's office and was told the same thing. I heard from others that they were planning to appeal, and I am going to be out of town next week and I wanted to, obviously, have Party Status and be able to speak if the decision is overturned. I just want to know if they have missed that deadline.

The handout that you have is very important and I wanted to clarify what I testified to last time I was before you. If you look at the location map, this is from Delray Beach City. It's showing the actual state of the surrounding properties and the room that I told you has never abandoned, it clearly earmarked as that is the truth. You see Atlantic Court directly in the circle. This is what is physically platted and what they are looking to have and need to have abandoned, and yet that meeting have never occurred. Secondly, while we are actually in favor of remodeling and we are in favor of this restaurant, you can see in this little small circle where 7<sup>th</sup> Avenue intersects this property, if you don't have that reliever road to Federal Highway, basically that 1,000 cars, 500 cars in and out, will heading down 7<sup>th</sup> into 1<sup>st</sup>, right past this property you are about to approve, I hope. So I thought that was relevant and I thought you should know about it.

#### **VI. COLOR CHANGES**

**A. Bedner's Farm Market** – Change of exterior color (SW Salute) finish from Flat to Satin.

381 NE 3<sup>rd</sup> Avenue

**Amy Alvarez, Senior Planner**, presented the items.

**Exparte Communication** – None.

#### **Applicant's Presentation**

**George Brewer, Architect** – The paint that was originally approved was supposed to be flat, however the artist is in town right now doing the mural, and he says the flat paint would not work well and work not last so we changed it to satin finish. That is what he needs to keep the mural healthy and last.

**Public Comments** – None.

**Board Comments** – None.

**Motion** to approve Color Change was made by Roger Cope and seconded by Andrew Youngross.

**MOTION CARRIED 7-0.**

**VII. SIGNS**

**A. Burger King** – Waiver request for signage.  
1820 S. Federal Highway

**Exparte Communication** – None.

**Jennifer Buce, Assistant Planner**, presented the items through a review of the staff report and entered file 2016-077 into the record.

**Applicant's Presentation**

**Gill Strilec , Gill Media** – With your approval, this will match the rest of restaurants in South Florida. Thank you.

**Public Comments** – None.

**Board Comments**

**Andrew Youngross** – I have no issues with it.

**James Chard** – I don't see how there is a justification here. If you are doing signage on the south and the north, how does that identify the main entrance to the establishment because it has nothing to do with the main entrance. Also, in the justifying letter, it says it helps defend the brand. I don't see how the brand is under attack by not giving a waiver. I'm also curious as to how the "Home of the Whopper" is going to be put on the roof.

**Jose Aguila** – It's an angled metal frame.

**Brett Porak** – I'm in agreement with Jim. I don't see a justification for placards all over our buildings. It gets really obnoxious. There is a monument sign.

**Jim Knight** – I don't have any problems with it.

**Roger Cope** – I totally agree with staff.

**Vlad Dumitrescu** – I agree but think they should center the "Home of the Whopper".

**Jose Aguila** – I think their request is legitimate. Unless you know they are there, you cannot see that they are there. We've done this in very similar, previous conditions. So I think for consistency and the fact that it is so internalized, I'm perfectly okay with the request. I agree with Vlad that "Home of the Whopper" should be centered.

**Motion** to approve to City Commission for a waiver was made by Andrew Youngross and seconded by Jim Knight.

**MOTION CARRIED 5-2, Brett Porak and James Chard dissenting.**