

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

(Minutes by Shanene Wright, City Clerk's Office)

MEETING DATE: December 09, 2015

MEETING PLACE: City Commission Chambers

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

MEMBERS ABSENT: All are present

STAFF PRESENT: Jennifer Buce, Assistant Planner, Janice Rustin, Assistant City Attorney, Candi Jefferson, Senior Planner and Kelly Simmons, Board Secretary

I. CALL TO ORDER

The meeting was called to order by Chair Jose Aguila at 6:01 P.M. 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 and Mrs. Simmons swore in all who wished to give testimony on any agenda item.

II. APPROVE MINUTES

A motion to approve the Minutes from October 28, 2015 was made by James Chard and seconded by Roger Cope, with the following revision to be made:

- On page 6, missing a word should be changed to "a days notice."

MOTION CARRIED 7-0.

Comments from the Public – (Comments on items that are NOT on the Agenda will be taken immediately prior to Public Hearing Items.) None.

VII. SIGNS

A. The Stanley Building – Establish a Blanket Sign Program to allow a wall and under canopy signs.
29 NE 4th Avenue

Jose Aquila stepped down, Roger Cope took over the gavel.

Jennifer Buce, Associate Planner, presented the items through a review of the staff report and entered file # 2016-21 into the record.

Exparte Communication – None.

Applicant's Presentation

Mark Gregory, MG Concepts – (Mr. Gregory advised that they concur and can accept the conditions.)

Public Comments – None.

Board Comments

Andrew Younggross – Overall, I am fine with it but the sign location looks very low and may be obscured by the awning.

Mark Gregory – The awning will be tucked behind and no hardware will be showing.

James Chard – Is there a reason why the cornerstone sign is not centered on the bay?

Mark Gregory – We can center it, not a problem at all.

James Chard – Any type of fonts or styles are allowed? Is there no requirement for consistency?

Mark Gregory – We will be using the Swiss Black 721 which is page 3/9 on the report.

Jim Knight – Will you be making it mandatory to all have the sign?

Jennifer Buce – No.

Motion to approve Blanket Sign program for The Stanley Building was made by *Jim Knight and seconded by James Chard, with the following conditions:

- With condition that it is centered on all bays

MOTION CARRIED 6-0.

(Chair Jose Aguila rejoined the meeting and was passed back the gavel.)

B. 300 Building – Establish a Blanket Sign Program to allow a wall and under canopy signs.

326 East Atlantic Avenue

Jennifer Buce, Associate Planner, presented the items through a review of the staff report and entered file # 2016-20 into the record.

Exparte Communication – None.

Applicant's Presentation

Mark Gregory, MG Concepts – Mr. Gregory advised that they have worked with staff and can accept all the conditions but ask for some consideration on the wall signs in reference to the logo colors. Other than that they accept staff findings.

Public Comments – None.

Rebuttal

Jennifer Buce – Staff has an issue with the wall signs and allowing size and logo colors.

Board Comments

Andrew Youngross – I didn't have any issues.

Brett Porak – Jennifer can you expand more on staff thoughts on signs?

Jennifer Buce – On Atlantic Avenue I think it's just too much for the front of the building. There is more open space on the other side of the building. Mark is asking for a one letter logo and staff is recommending that they stick with either bronze or strictly corporate.

Jose Aquila – My thoughts are in agreement with what everyone else has pretty much said and I support staff in regards to the conditions of 1, 3, and 4.

Motion to approve Blanket Sign program for 300 Building was made by James Chard and seconded by Jim Knight, with the conditions in the staff report.

MOTION CARRIED 7-0.

VIII

A. Downtown Delray Medical Center (Extension Request)

530 SE 6th Avenue

Exparte Communication –

James Chard – He advised that he spoke with residents on their views about the projects but nothing with the applicant.

Candi Jefferson, Senior Planner – Advised that the applicant is requesting an extension of their original site plan that will expire on December 11, 2015. The proposal includes a site plan, landscape plan and architectural elevations for 24 months. The staff has the following comments:

Construction Fence: The applicant currently has a construction fence installed around the perimeter of the site that does not have proper permitting. We advised them that the current construction fence needs to be taken down. We are also allowing them the

opportunity to file for correct permitting of the correct construction type fence that is with code for the site.

Staff Report: The first two conditions identified in the staff report have been satisfied since the report went out so they are no longer an issue. The remaining conditions, items 3 – 7 are still valid. Below are a few examples of the remaining items:

Traffic Concurrency Determination: The concurrency determination that was originally attached to the site plan will expire at the end of this calendar year and they will need to get a Traffic Concurrency Redetermination.

Continuous Paved Access Road: Need a continuous paved access road between the nearest paved street and SE 5th & 6th Avenue. These changes need to be coordinated with city engineer.

Bus Shelter Fee: The applicant is required to pay a bus shelter fee in the amount of \$11,000 prior to the issuance of a building permit.

Record Plat Property: They will need to record the Platting of the property with Palm Beach County. To the best of our knowledge this has not be recorded.

Applicant's Presentation

Richard Jones, Richard Jones Architecture – The federal Highway Improvements have been really great for this area and project. At the time of applying for this project it was ahead of its time. Owner started actively marketing for office medical space tenants but just has not been able to secure enough tenants as of yet. The applicant is working with a broker's office and trying to secure the tenants that he needs. Now that the Federal Highway improvements are completed, he feels this will be done in the next 12 – 24 months and the project will be able to move forward. We therefore ask for your consideration for an extension for this project.

Public Comments

James Quillian – Osceola Park Resident

It's been over 2 years now and that seems like more than enough time. I don't see why we have to give them now another 2 years to get this done. If a resident ask for an extension to building their house, I don't think they will get their extension. Also is there going to be some confusion as to the name and the fact that it says Medical Center. I would like the Board to consider these points.

Gail-Lee McDermott – Osceola Park Resident

I have been an Osceola Park resident here for over 20 years. I have 2 concerns and my first is that we are not Downtown. We are Osceola Park and I am confused as to why it say Downtown Delray Medical Center. I also feel that this is becoming too much a "medical row". As for the extension, I don't understand how they could not have gotten their act

together in two years and why would they be given yet another two years to get this done.

Rebuttal

Richard Jones – I just want to say that Rick Caster is well known to me and is a personal friend as well. He is also a well-known and well respected developer and has his act together. It's just the market is a "little off."

Board Comments

Roger Cope – I'm in complete support of the request and I feel that every developer has the right for this. Take care of the fence issue and move on and I will be in complete support.

Vlad Dumitrescu – I am just questioning that there is no request for sod or anything else. I'm just wondering is this going to just be vacant for another two years or are they working or planning on doing anything else in regards to make it look more than just vacant.

Jim Knight – Couldn't we suggest that they at least seed or grass it to make it look better in the interim? I also think that if you have it fenced and screened it will look better. I think that the concern from the residents is that they don't understand the type of applicants they are looking to fill as tenants. Maybe more explanation to that would be welcome.

James Chard – This lot has been vacant for over 15 years now. What is the result to the applicant if we do not approve this extension?

Candi Jefferson– They would have to come before you again and submit it as a new project or plan or resubmit the same plan over again at additional costs and the whole entire new GC codes and fees and new reviews and new requirements also.

James Chard – So we would essentially be "grandfathering" the project in? What if we would do a 12 or 18 month extension instead?

Scott Pope (Principal Planner) – I don't think 12 months would be feasible. I would suggest at least 18 or 24 months.

Motion to approve the Extension Request for Site Plan, Landscape Plan and Architectural Elevations for Downtown Delray Medical Center was made by Andrew Youngross and seconded by Jim Knight, with the 8 conditions in staff report.

MOTION CARRIED 7-0.

IX. PROJECT PLANS

A. Uptown Atlantic – Class V Site Plan, Landscape Plan and Architectural Elevations

(Jose Aquila and Andrew Youngross stepped down. Roger Cope took the gravel.

Exparte Communication –

Jim Knight – Yes I have met with the Applicant and spoken to various people and had numerous meetings as well as attended various commission meetings also.

Brett Porak – I have met with Bob Currie.

James Chard –Yes I have met with Bob.

Vlad Dumitrescu –Yes I have met with Bob Currie.

Roger Cope – Yes I was invited to the office and also invited to visit the project.

Scott Pape, Principal Planner

A classified site plan, elevation plan, landscape and waivers associated with construction of 112 dwelling units, 17,000 square feet of office area and 6,000 square feet of restaurant space and just over 43,000 square feet of retail area. The project also includes recreation amenities, including a gazebo, a tot lot, and a swimming pool. It also includes a gymnasium, a teen room and a computer room. The other amenities include two bicycle storage rooms and various courtyard and associated landscaping. The parking areas are all located on the south side.

There are two waivers associated with this project which are:

1. Set back for upper level
2. Set back for the lower level

There is also an additional waiver that they need to get which is not included in the staff report. The minimum required sidewalk width is 8 feet. The development is proposing a 6 feet wide for the sidewalk on SW 6th, 7th, 8th and 9th avenue. They are seeking a waiver from that requirement. Staff is supporting that waiver due to the fact that the 8 feet sidewalks are more important to the area that have a more depth of the CDB from Atlantic Avenue or east of Swinton. When you go south you will be heading into a residential area that will have 5 feet sidewalks so that does not seem very logical to have 8 feet and then to 5 feet.

Staff Report: The following are conditions that will need to be addressed are:

Master Development Agreement: The applicant will need to enter into a Match and Development Agreement that will need to address the inlet parking fee for the project, the landscape maintenance agreement for the project workforce housing agreement and will need to address the community benefit agreement.

Bicycle Rack: We are suggesting that add an additional bicycle rack. They are proposing one per block and we think they should have at least two.

Workforce Housing Agreement: They can't use efficiencies or studios for the workforce housing program.

Lighting For Parking: They need to adjust their lighting for the parking.

Bus Shelter: The applicant needs to submit \$11,000 for the bus shelter.

Staff recommends approval.

Applicant's Presentation

Bob Currie, Currie Sowards Architects

Choli Aronson, CSA Architects

This project has been a long time in working, over 3 years so far. We have taken into account that they are "green buildings". We have also worked with blending the buildings into the residential surrounding area. The community wanted more of the Key West vernacular as well as the developer. There will be a grocery store downstairs and maybe a pharmacy as well. There will be office space on the second level and two entrances. There will be a mezzanine with coverings and also a fountain and access to the parking lot as well. More than 50% of the building is pre-leased. The townhouses have flats on the ground floors. We actually have two bicycle units but we have agree that we will add the additional per staff's recommendation. We are asking for parking allocation since we are creating over 30 parking spaces in the street.

Landscaping: We have agreed there was not enough landscaping but we agree and have redone the landscaping and it will be included with the package. We have done a lot with infusing "green" features into the plans.

Waiver For Top Floor: We made a mistake and we realize we need to push it back another 1 foot 3 and we will. We will do the middle portion as requested.

Public Comments

Carol Anderson – SAFE

We have been working with them for a very long time and they have been very receptive. SAFE supports this project.

Alice Finst – 707 Place Tavant

I have concerns on the visibility of what will be seen on the terraces of front of the buildings. Also in regards for the window treatments, what sort of tinting will there be and what will be the requirements for consistency.

Jeff Costello – CRA

This is an exciting project and we are very excited for it and just appreciate your support in it.

Peter Perry – WARC

The developer has really worked with us. They are donating money to the museum. They have added work force housing, hiring local workers that actually live in Delray Beach. I support this project 100% and we have waited long for this project, so please let's move forward with this.

Chuck Ridley– WARC

The developers have sat down with us and shown us all their plans and designs and we appreciate that very much. We were also allowed to have comments and a say so in this project. We respect the architect firm that has put it together. The "green" construction factor is a plus also. They have also made it possible to make a team of local residents of the area. We ask that this not be held up and we are in support of this project.

Rebuttal

Bob Currie – In reference to the tinting, all the glass will be clear glass. In reference to the railings, we have looked into and found a more uniform railing option so the furniture will not be as visible. The rentals will be yearly rentals. All the designs for the buildings regarding the railings will be the same.

Board Comments

Vlad Dumitrescu – My only concern was in regards to the maintenance. It will be one company running this project?

Bob Currie – Yes they will hire a property management company that will take care of it.

Vlad Dumitrescu – The landscaping maintenance?

Bob Currie – Yes we are applying for the landscaping for the DOT per regulations.

Vlad Dumitrescu – The pool and playground? Is that for the tenants only?

Bob Currie – The pool area is for the tenants. The playground is for the community and the tot lot is for the public also. It will be latched for small children safety. The public area will be the Gazebo, Tot Lot and Courtyard and Fountain. The pool will be fenced in and there will be restricted access cards for the residents only.

Jim Knight – In reference to the square feet? Is that correct? Also the workforce housing. Eight units are required but you are providing 22 units? Is there a need for that?

Bob Currie – Yes we are providing more so that prior residents will be able to still live in the neighborhood. These units will not be separated, they will look just like the others to ensure there is no stigmatization.

Jim Knight – In regard to the power lines, in the report it says “they should be” buried, I would like to have it say “they will be”.

Bob Currie – Yes it will show “will be buried.” We have already spoken to FPL to find out how to do it.

Brett Porak – I think this will be a great project and great for the community and had been a long time coming.

Jim Knight – I thought previously we spoke of having solar on the roofs?

Bob Currie – No we have not considered it because of the heat gain. No.

Jim Knight – In regards to the landscaping plans on the side?

Bob Currie – We do have the standard depth in regards to landscaping. The standard mix of trees and bushes. We want to maintain some visibility so we keep it safer.

Jim Knight – A parklett?

Bob Currie – No, we are not going to do a parklett unless the City is going to do that from now on. It becomes a commission issue.

Jim Knight – I saw that all the bike racks are all on the north side. There are no reasons why it couldn't be in the back.

Bob Currie – They are all actually in the back as opposed to the north side and the reason is that we have these very large walk ways that we are trying to promote pedestrian access. We will add the additional rack that he requested.

Jim Knight – In regards to the existing retail space, some of that will be moved?

Bob Currie – Yes we have an existing agreement; we are housing him off site across the street. There is an agreement for a market place people that want to retire and there is a financial agreement for that. They all the right to come back and they will also pay a lower rental rate.

Jim Knight – In regards to the bike paths? What agreement was made about that?

Bob Currie – We have agreed to do a dedicated access on the alleys behind the buildings so people may use them to drive on.

Brett Porak – Where is the designated residential parking? Deliveries etc??

Bob Currie – Pointed out the various designated parking areas on plans. Resident parking is not separated from commercial. We feel that we have provided enough parking for everyone. The only place that we are separating is the grocery store areas. Plus there will also be 70 new spaces on the street.

Waiver #1: Motion to approve the request for waiver 4.4.3 F4 B2 Uptown Atlantic was made by Jim Knight and seconded by James Chard, as outlined in the staff report.
MOTION CARRIED 5-0.

Waiver #2: Motion to approve the waiver 4.4.1 3F 4C1 Uptown Atlantic was made by Jim Knight and seconded by James Chard, as outlined in the staff report.
MOTION CARRIED 5-0.

Waiver #3: Motion to approve the waiver 6.1.3 B1F for Uptown Atlantic was made by Jim Knight and seconded by James Chard as outlined in the staff report.
MOTION CARRIED 5-0.

Site Plan Class V: Motion to approve the Site Plan for Uptown Atlantic was made by Jim Knight and seconded by James Chard as outlined in the staff report dependent on conditions as outlined in the staff report.
MOTION CARRIED 5-0.

Landscape Plan: Motion to approve the Site Plan for Uptown Atlantic was made by James Chard and seconded by Brett Porak as outlined in the staff report dependent on conditions as outlined in the staff report.
MOTION CARRIED 5-0.

Architectural Elevations: Motion to approve the Site Plan for Uptown Atlantic was made by Vlad Dumitrescu and seconded by Brett Porak as outlined in the staff report dependent on conditions as outlined in the staff report.
MOTION CARRIED 5-0.

IV. REPORTS AND COMMENTS

City Staff

Kelly Simmons – The packets for the 12/16/15 are here and the staff report on iPic will be delivered tomorrow.

ADJOURNED

There being no further business to come before the Board, the meeting was adjourned at 8:16 P.M.

The undersigned is the Administrative Assistant with City Clerk Office and the information provided herein is the Minutes of the meeting of said body for December 9, 2015 which were formally adopted and approved by the Board on _____ .

Shanene Wright

Shanene Wright

If the Minutes you have received are not completed as indicated above, then this means that these are not the official Minutes. They will become so after review and approval, which may involve some changes.

(These notes are an abbreviated version of this meeting. The full audio dialog is available at City Hall for anyone that would like the full recording.)