

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

**MEETING DATE:** July 18, 2022

**MEETING PLACE:** City Commission Chambers

**1. CALL TO ORDER**

This meeting was called to order by Chris Davey, Chairman at 5:05 PM.

**2. ROLL CALL**

A quorum was present at call to order.

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

**Members Absent:** None

**Staff Present:** William Bennett, Assistant City Attorney; Anthea Gianniotis, Development Services Director, Rebekah Dasari, Interim Principal Planner; Alexis Rosenberg, Senior Planner and Diane Miller, Board Secretary.

**3. APPROVAL OF AGENDA**

Item 8.B has been removed from the agenda.

**Motion** to APPROVE the amended July 18, 2022, agenda by Joy Howell and seconded by Julen Blankenship.

**MOTION CARRIED 7-0**

**4. MINUTES**

Motion to APPROVE the minutes of December 13, 2021 was made by Julen Blankenship 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**

**A. Parking and Curbside Management Plan:** Provide a recommendation to the City Commission regarding the adoption of the Parking and Curbside Management Plan, which focuses on managing the downtown parking and curbside assets.

**Project Consultant:** Lisa Nisenson, Vice President, New Mobility and Connected Communities, Wantman Group Incorporated (WGI)

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

**Applicants Presentation**

Lisa Nisenson, Vice President, New Mobility and Connected Communities, Wantman Group Incorporated (WGI)

**Board Comments**

Julen Blankenship asked Ms. Nisenson, WGI Consultant regarding the phone application and Anthea Gianniotis how the Parking and Curbside Management Plan relates to the Capital Improvement Plan.

Joy Howell asked if a plan can be implemented that accounts for the peak periods of the year when the City has an influx of visitors.

Allen Zeller noted that the many residents are not aware of the resident parking permit and that an employee parking program is critical. Mr. Zeller was supportive of the City reinvesting funds collected for parking be reinvested into the parking fund.

Christina Morrison stated that employee parking should be the main focus and asked Ms. Nisenson whether the Parking and Curbside Management Plan considered the increasing trend of the use of golf carts and electric bicycles.

Max Weinberg asked if parking meter dynamic pricing was considered along with utilizing vacant City owned properties to provide employee parking. Mr. Weinberg inquired if constructing a parking garage on the City owned parking lot across from Atlantic Dunes was considered.

Chris Davey suggested extending the ride program until 3 AM to serve employees that are employed by establishments that close at 2 AM.

Rob Long recommended that technology be utilized to help solve the parking problems in the City.

## **8. QUASI-JUDICIAL HEARING TERMS**

**A. Abandonment of Right-of-Way (2021-177-ABR-CCA):** Provide a recommendation to the City Commission regarding the abandonment of a 2,062.5 square foot area of unimproved City-owned right-of-way (alley) located between Bond Way and Witherspoon Lane. (PUBLIC HEARING) **Address:** No Address. See staff report.

**Applicant:** Thomas Carney, Esq; tfc@carneystanton.com

**Planner:** Brian Ruscher, Transportation Planner; ruscherb@mydelraybeach.com and Alexis Rosenberg, Senior Planner; rosenberga@mydelraybeach.com

Alexis Rosenberg, Senior Planner entered the File No. 2021-177 into the record.

### **Applicant Presentation**

Thomas Carney, Carney Stanton PL; 135 S.E. 5th Avenue, Suite 202 Delray Beach, Florida 33483

### **Staff Presentation**

Alexis Rosenberg, Senior Planner presented the project from a Microsoft PowerPoint presentation.

### **Exparte**

Julen Blankenship- None

Joy Howell- Spoke with Tom Carney and staff

Allen Zeller- Visited the site

Max Weinberg- None

Chris Davey- None

Christina Morrison- Walked the site

Rob Long- None

### **Public Comment**

None

### **Rebuttal/Cross**

Tom Carney noted that the utility pole in the alleyway is outside the area to be abandoned.

### **Board Comments**

Chris Davey inquired from staff if comcast has an easement in the alleyway, and staff indicated that there is not a Comcast easement present. Mr. Davey noted that generally the City's alleyways should be retained unless the alleyway is no longer utilized and not being maintained.

Allen Zeller asked, if the abandonment is granted, who will gain ownership of the abandoned land and if the City can require the adjacent property owners on Witherspoon Lane to remove the fence that is currently located in the rear of the properties.

Christina Morrison noted that the alleyway to the west has already been abandoned, the alley is not accessible and the request before the Board is just a technicality.

Julen Blankenship asked if staff or the applicant notified the property owner of 926 Palm Trail of the abandonment request and if in the future the applicant can request FPL to remove the pole by means of an abandonment of an easement.

**MOTION** to move a recommendation of approval to the City Commission of Resolution No. 99-22, to abandon an unimproved alley right of-way totaling approximately 2,062.5 square feet located between Bond Way and Witherspoon Lane north of 905, 907, and 909 Witherspoon Lane, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations. was made by Joy Howell and seconded by Julen Blankenship.

**MOTION CARRIED 7-0**

**B. Waterford Place, Land Use Map Amendment (2022-122).** Provide a recommendation to the City Commission on a City-initiated Land Use Map Amendment (LUMA) from Transitional (TRN) to General Commercial (GC) in correction of a data conversion error for a 4.58± acre parcel located within the Waterford Place / Delint DRI Special Activities District (SAD) and fully described in Ordinance No. 15-22. (PUBLIC HEARING)

**PCN:** 12434629410000020

**Planner:** Andrew Allen, Planner, allena@mydelraybeach.com; Rebekah Dasari, Interim Principal Planner, dasarir@mydelraybeach.com

**Item 8.B has been removed from the agenda.**

**C. Hobby Lobby, Master Development Plan Modification (2022-009):** Consideration of a Master Development Plan Modification for the Delray Square Shopping Center at 14620 South Military Trail to construct a truck well, a 231 square foot addition, and a dumpster enclosure with associated waiver requests for the perimeter buffer and open space percentage requirements.

**Agent:** Jason Webber, P.E.; Kimley-Horn; Jason.Webber@kimley-horn.com

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

Rebekah Dasari, Interim Principal Planner entered the File No. 2022-009 into the record.

#### **Applicant Presentation**

Jason Webber, Kimley-Horn; 1615 S. Congress Avenue, Suite 201, Delray Beach FL 33436

#### **Staff Presentation**

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

#### **Experte**

Julen Blankenship- Drove by the site

Joy Howell- None

Allen Zeller- Visited the site  
Max Weinberg- None  
Chris Davey- Drove by the site  
Rob Long- Drove by the site, has been a patron of the establishment  
Christina Morrison- Familiar with site

**Public Comment**

None

**Rebuttal/Cross**

None

**Board Comments**

Chris Davey asked if the waiver was granted whether it would run with the land or if it was tenant specific, staff indicated that the waiver does not run with the land. Mr. Davey was in support of the applicant’s requests, as the adjacent property owners were noticed of the meeting and had not voiced concern regarding the requested waiver and Master Development Plan modification.

Julen Blankenship asked if a future development plan was submitted for this location if the party would be required to return to the Planning and Zoning Board.

Allen Zeller asked the applicant why the structure was not altered to preclude the need for the landscape buffer waiver. Mr. Zeller was concerned that these proposed alterations and the narrowing of the landscape buffer will create an eyesore and that there is plenty of underutilized space to provide additional green space within the shopping plaza.

Christina Morrison asked if the applicant can place additional landscaping in another area within the complex to add green space. Ms. Morrison was concerned that the location of the proposed dumpster is across from the building to the east.

**MOTION** to approve the amendment to the Hobby Lobby at Delray Square Shopping Center Master Development Plan Modification; with a waiver from LDR 4.4.9(F)(3)(d)1.d. to allow a reduction from the required 25 foot perimeter buffer to 17 feet 9 inches, and a waiver from LDR 4.4.9(G)(3)(e)1.a. to allow a reduction of the existing open space percentage from 16.67 percent to 16.63 percent; finding that the approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations was made by Julen Blankenship and seconded by Rob Long.

**MOTION CARRIED 5-2**

**DISSENTING** Allen Zeller and Christina Morrison

**10. REPORTS AND COMMENTS**

**A. CITY STAFF**

- The next Board Meeting dates are August 15, 2022, September 12, 2022, October 17, 2022, November 14, 2022, and December 12, 2022.

- The proposed LDR amendment regulating outdoor alcohol passed at first reading, and the second reading will be conducted on August 9, 2022.
- The home-based business LDR amendment has its first reading on July 19, 2022.
- The MROC LDR amendment will have the first reading on July 19, 2022.

**B. BOARD ATTORNEY**

William Bennett noted that a waiver has four criteria, the Board should limit its discussion to the four criteria and nothing else as it may appear that the Board made its judgement based on personal belief or other criteria that might make the Board's decision subject to an appeal.

**C. BOARD MEMBERS**

None

**11. ADJOURN**

There being no further business to come before the Board, the meeting was adjourned at 7:30 pm.

The undersigned is the Board Secretary of the Planning and Zoning Board and the information provided herein is the Minutes of the meeting of said body for **July 18, 2022**, which were formally adopted and APPROVED by the Board on \_\_\_\_\_.

**ATTEST:**

\_\_\_\_\_

**Chairman**

\_\_\_\_\_

**Board Secretary**

NOTE TO READER: If the Minutes you have received are not completed as indicated above, then this means that these 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.