

PLANNING & ZONING BOARD

CITY OF DELRAY BEACH

---STAFF REPORT---

MEETING DATE: July 17, 2017

ITEM: **Swinton Commons (2016-101):** Conditional use request for 39 new Residential-type Inn units at 106 & 116 South Swinton Avenue (Sundy House), Block 61, and Block 70, within the Old School Square Historic District.

RECOMMENDATION: Recommend approval to the City Commission subject to conditions of approval.

GENERAL DATA:

Applicant: MGM Sundy House LLC

Agent: Bonnie Miskel, Esq. – Dunay, Miskel and Backman LLP

Location: 106 & 116 South Swinton Avenue (Sundy House), Block 61, and Block 70, Old School Square Historic District

Property Size: 4.92 acres

Future Land Use Map: Other Mixed Use (OMU)

Current Zoning: Old School Square Historic Arts District (OSSHAD)

Adjacent Zoning

- North: OSSHAD, OSSHAD w/CBD (Central Business District) Overlay & Historic District Overlay (HDO)
- East: OSSHAD, CBD & HDO
- South: CF (Community Facilities), OSSHAD & HDO
- West: RM (Medium Density Residential), & CF

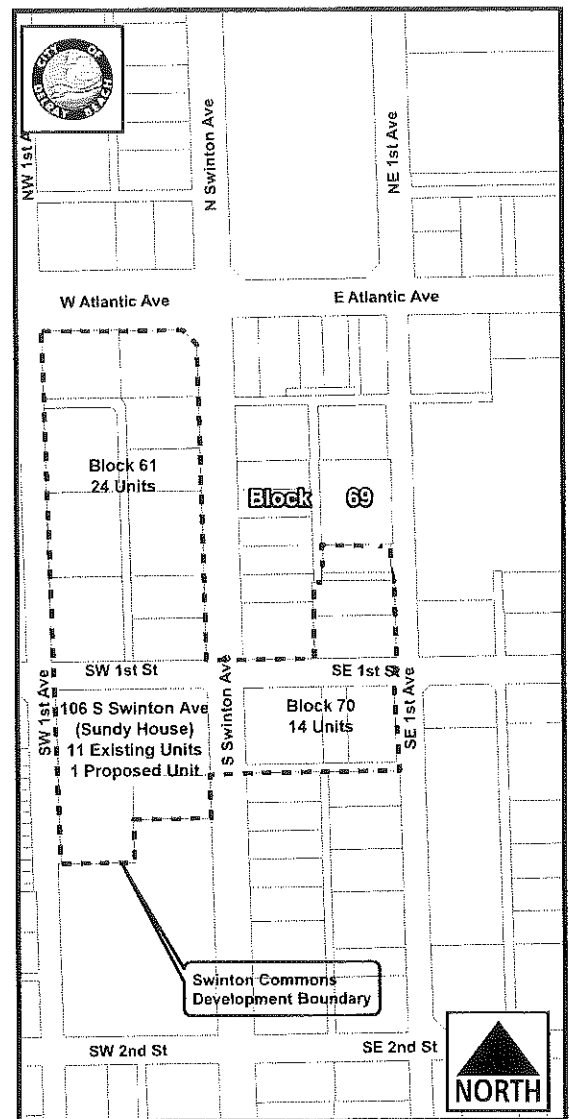
Existing Land Uses:

- Block 61: Vacant land and a surface parking lot with an accessory structure utilized for storage.
- 106 & 116 South Swinton Avenue: Restaurant with Residential-Type Inn and associated office space.
- Block 70: Parking lot & vacant Single-Family Residences.

Proposed Land Use: Residential-type Inn

Water Service: City of Delray Beach public water service existing on-site.

Sewer Service: City of Delray Beach sewer service existing on-site.



ITEM BEFORE THE BOARD

The item before the Board is the making of a recommendation to the City Commission on a request for conditional use approval to add a total of 39 Residential-type Inn units between **106 and 116 South Swinton Avenue (Sundy House)**, and within **Block 61 and Block 70** in association with the proposed **Swinton Commons** development located within the **Old School Square Historic District**, pursuant to LDR Section 2.4.5(E).

BACKGROUND/PROJECT DESCRIPTION

The proposal is to establish a Residential-type Inn use along SW 1st Avenue in Block 61 and expand the Residential-type Inn use at the Sundy House located at 106 South Swinton Avenue and on Block 70 at the southeast corner of Swinton Avenue and SE 1st Street. A Residential-type Inn is defined as "a facility offering transient lodging accommodations on a daily, weekly, or monthly rate to the general public (open to the public at large). It may consist of one building which contains the principal and accessory uses, or groups of buildings. Suites may or may not include kitchens or kitchenettes. Accommodations may be comprised entirely of suites, or may include a combination of single rooms and suites. The facility may also contain accessory uses as otherwise permitted in the applicable zoning district."

In 1998, the original conditional use request to establish the Residential-Type Inn use was approved by the City Commission for the Sundy House (Lots 1-3, Sundy Estates Subdivision) and included eleven units. The Class V Site Plan for the Sundy House and Inn was approved by the Historic Preservation Board (HPB) on March 18, 1998. The Sundy House property is listed on the National Register of Historic Places. The location on Block 61 where 24 of the proposed units will be established consists of vacant land, and a parking lot with a contributing accessory structure presently utilized for storage. The location of the proposed 14-unit building on Block 70 presently consists of a parking lot and a distressed building which will be rebuilt at the Sundy House site.

The Swinton Commons development proposal consists of the following:

Block 61 (North: West Atlantic Avenue; West: SW 1st Avenue; South: SE 1st Street; East: South Swinton Avenue):

- Relocation of The Rectory located at 20 South Swinton Avenue and the Cathcart House located at 38 South Swinton Avenue within the block, further down South Swinton Avenue;
- Relocation of four structures along South Swinton Avenue on Block 61 to other locations on Block 61;
- Relocation of one Contributing structure from Block 61 to the Sundy House property;
- Demolition of multiple accessory structures and the two non-contributing structures on West Atlantic Avenue;
- New construction of a four-story mixed-use building consisting of retail and restaurant on the first floor, office on the second floor, and 16 residential units on the third and fourth floors;
- Construction of two new, two-story structures facing South Swinton Avenue consisting of retail or restaurant on the ground floor and two residential units in the second floors of each structure;
- Parking to be provided in an underground garage consisting of 267 spaces; and,
- Abandonment of the existing "L" shaped alley, to be replaced by a North/South Pedestrian easement and an East/West vehicular easement.

Sundy House (106 & 116 South Swinton Avenue):

- Removal of existing gravel parking lot;
- Relocation of a contributing structure from Block 61 for use as an additional Residential-type Inn units and retail; and
- Relocation and reconstruction of a contributing structure from Block 70, for use as retail.

Block 69 (30, 36, & 48 SE 1st Avenue):

- Demolition of a contributing structure and existing parking lot;
- Construction of a four-story, 71 room hotel with 4,404 square feet of restaurant;
- Parking to be provided in an underground garage providing 67 spaces and a total of 40 mechanical parking lifts;
- Abandonment of the east/west alley presently located between 30 and 36 SE 1st Avenue; and,
- Extension of the existing north/south alley to SE 1st Street.

Block 70 (6, 14 & 18 SE 1st Street):

- Removal of the existing parking lot at the southeast corner of South Swinton Avenue and SE 1st Street;
- Relocation of a contributing structure to be reconstructed on the Sundy House property;
- Demolition of three contributing structures;
- Construction of a four-story, 39 room hotel;
- Parking provided at rear of hotel with 8 mechanical parking lifts accessed from the alley; and,
- Construction of a three-story 14 unit Residential-type Inn.

A copy of the proposed site plan for the entire project area is included in the attachments for reference.

ANALYSIS

Pursuant to **LDR Section 3.1.1, Required Findings**, prior to the approval of development applications, certain findings must be made in a form which is part of the official record. This may be achieved through information on the application, the staff report, or minutes. Findings shall be made by the body which has the authority to approve or deny the development application. These findings relate to the following four areas.

FUTURE LAND USE MAP: The use or structures must be allowed in the zone district and the zoning district must be consistent with the land use designation).

Residential-type inns are allowed as a conditional use in the OSSHAD zoning district. This will represent an expansion of the conditional use approval of March 3, 1998, which established the existing 11 residential-type inn units and outdoor dining areas associated with the Sundy House restaurant. The subject property has an Other Mixed Use (OMU) Future Land Use Map (FLUM) designation and an OSSHAD (Old School Square Historic Arts District) zoning designation. The OSSHAD zoning district is consistent with the OMU FLUM designation. Therefore, positive findings can be made with respect to the Future Land Use Map Consistency.

CONCURRENCY: Facilities which are provided by, or through, the City shall be provided to new development concurrent with issuance of a Certificate of Occupancy. These facilities shall be provided pursuant to levels of service established within the Comprehensive Plan.

Concurrency as defined pursuant to Objective B-2 of the Future Land Use Element of the Comprehensive Plan must be met and a determination made that the public facility needs of the requested land use and/or development application will not exceed the ability of the City to fund and provide, or to require the provision of, needed capital improvements in order to maintain the Levels of Service Standards established in Table CI-GOP-1 of the adopted Comprehensive Plan of the City of Delray Beach.

The development proposal includes expansion of the established residential-type inn use; the following concurrency overview is provided which relates to drainage, water and sewer, streets and traffic, parks and open space, and solid waste.

Drainage: Drainage is presently accommodated on site at the Sundry House property; drainage improvements within Block 61 will be accommodated by an exfiltration trench system along SW 1st Street and adjacent to South Swinton Avenue with additional drainage accommodated with catch basins located within the parking garage. The drainage for the Residential-type Inn on Block 70 will also be accommodated via an exfiltration trench.

Water and Sewer: Water service is provided from an existing 8" water main located along SW 1st Avenue, SW 1st Street, and SE 1st Street. Multiple fire hydrants are located within the immediate vicinity of the subject properties. Sewer service will be accommodated via a connection to an existing 8" sewer main within SW 1st Street and SE 1st Street. Pursuant to the Comprehensive Plan, treatment capacity is available at the City's Water Treatment Plant and the South Central County Waste Water Treatment Plant for the City at build-out.

Streets and Traffic: The submitted traffic study indicates that the entire proposed development will result in a total of 3,868 daily trips, with 128 AM peak hours trips, and 321 PM peak hour trips. The Palm Beach County Traffic Engineering Division has not yet provided a determination to Staff that the proposal meets the Traffic Performance Standards of Palm Beach County.

Parks and Open Space: Pursuant to LDR Section 5.3.2, whenever a development is proposed upon land which is not designated for park purposes in the Comprehensive Plan, an in-lieu fee of \$500.00 per residential-type inn unit must be collected prior to issuance of building permits for each unit. This will result in a total fee of \$19,500 (39 new units x \$500.00).

Solid Waste: Trash generated each year by the development proposal will be calculated during the site plan review. However, the Solid Waste Authority has indicated that its facilities have sufficient capacity to handle all development proposals until the year 2046, thus a positive finding with respect to this level of service standard can be made.

CONSISTENCY: Compliance with performance standards set forth in Chapter 3 and required findings in Section 2.4.5(E)(5) for the Conditional Use request shall be the basis upon which a finding of overall consistency is to be made. Other objectives and policies found in the adopted Comprehensive Plan may be used in making a finding of overall consistency.

Conditional Use Required Findings

Pursuant to **LDR Section 2.4.5(E)(5)**, in addition to provisions of Chapter Three, the City Commission must make findings that establishing the conditional use will not:

- (a) Have a significantly detrimental effect upon the stability of the neighborhood within which it will be located;
- (b) Hinder development or redevelopment of nearby properties.

The following table identifies the zoning designations and uses that are adjacent to the subject properties where the residential-type inn use is proposed:

	<u>Zoning</u>	<u>Use</u>
<u>Block 61</u>		
North	OSSHAD w/CBD Overlay	Commercial
South	OSSHAD	Residential-Type Inn, Restaurant
East	OSSHAD	Commercial, Single Family Dwellings
West	CF	Public Parking Lot
<u>Sundy House</u>		
North	OSSHAD	Proposed Residential-Type Inn & Mixed-use (Commercial & Residential)
South	CF	Church
East	OSSHAD	Proposed Commercial Uses
West	RM	Multi-family Residential
<u>Block 70</u>		
North	OSSHAD	Vacant residential unit
South	OSSHAD	Residential
East	OSSHAD w/CBD Overlay	Vacant residential
West	OSSHAD	Sundy House (Restaurant, Residential-Type Inn, and Office)

OSSHAD – Old School Square Historic Arts District
 CBD – Central Business District
 CF – Community Facility
 RO – Residential Office
 RM – Multi-Family Residential – Medium Density

Note: All OSSHAD zoned properties are subject to the Old School Square Historic District Overlay.

With respect to the compatibility of the residential-type inn use with its immediate surroundings, and the LDR noted above, the expansion of the residential-inn type use from the Sundy House property onto the blocks to the north and east is compatible and meets the aforementioned LDR. The proposed additional unit on the Sundy House property as well as the new units along SW 1st Avenue and SE 1st Street will assist in bringing additional activity to this area, which has seen some positive improvements with the addition of the Coda development, located directly west of the Sundy House.

COMPREHENSIVE PLAN POLICIES

A review of the goals, objectives and policies of the adopted Comprehensive Plan was conducted and the following applicable objectives and policies are noted.

Future Land Use Objective A-4: The redevelopment of land and buildings shall provide for the preservation of historic resources. The objective shall be met through continued adherence for the preservation of historic resources. The objective shall be met through continued adherence to the City's Historic Preservation Ordinance and the following policies:

The adaptive reuse of two historic structures on the Sundry House site, for a one new Residential-type Inn unit on that site is compliant with the subject Objective. A complete review of the relocation request will be provided in a separate review with the site plan.

Housing Objective A-12: To assist residents of the City in maintaining and enhancing their neighborhood environment, the City shall take steps to ensure that modifications in and around the neighborhood do not lead to its decline.

The proposed addition of Residential-type Inn units on the Sundry House property, and within Block 61, and Block 70 will not lead to the decline of the adjacent neighborhood; rather, this will assist in providing appropriate development to an underutilized area within one block of East and West Atlantic Avenue and along SW 1st Avenue. The recently expanded townhouse development (Coda) located at the southwest corner of SW 1st Avenue and SW 1st Street will benefit from development along SW 1st Avenue by improving the streetscape and creating a safer travel way for pedestrians to get to downtown.

Housing Policy A-12.3: In evaluating proposals for new development or redevelopment, the City shall consider the effect that the proposal will have on the stability of nearby neighborhoods. Factors such as noise, odors, dust, traffic volumes and circulation patterns shall be reviewed in terms of their potential to negatively impact the safety, habitability and stability of residential areas. If it is determined that a proposed development will result in a degradation of any neighborhood, the project shall be modified accordingly or denied.

While the existing zoning of the subject properties (OSSHAD) encourages a mix of uses (commercial, office, residential), the proposal is to expand a previously approved residential-type inn on the Sundry House property which is located adjacent to an existing church and along a City collector. The majority of the traffic associated with the proposed use will continue to enter and exit the site from South Swinton Avenue, where a valet is located, utilize the proposed valet ramp and drop-off adjacent to Building 9, or access the subterranean garage from SW 1st Avenue where patrons can self-park their vehicles. A drop-off delivery is also provided in front of the proposed building on Block 70. Overall, the proposed use will result in significant upgrades to the site(s) and assist in the stabilization and enhancement of the immediate surroundings, which, for the most part, are undergoing redevelopment.

COMPLIANCE WITH LAND DEVELOPMENT REGULATIONS

The following LDRs apply to the application with respect to use and zoning district:

Pursuant to **LDR Section 4.3.3(X)**, residential type inns shall be subject to the following provisions, limitations, and restrictions:

- 1) The use must be located with frontage on, or access from, at least one arterial or collector street as delineated on the City's Transportation Element;
- 2) The use must be located in proximity to office, industrial, or commercial uses;
- 3) The minimum floor area per suite shall be 450 square feet;
- 4) Accessory uses may include: recreational facilities i.e. swimming pool, whirlpool, jacuzzi, steam room, tennis courts; meeting rooms; complimentary room service; and other nonresidential uses as permitted within the respective zoning district.

The proposed units at the Sundry House property gain access from South Swinton Avenue which is identified as a City Collector. The proposed units along SW 1st Avenue do not front onto South Swinton Avenue. However, as a unified development there is access to these units from throughout Block 61 which fronts onto both South Swinton Avenue and West Atlantic Avenue which is classified as a Minor Arterial. There is a mix of commercial-type uses within the existing

area, and many are proposed within Block 61, as well. The proposed floor area for the relocated structures onto the Sundry House property measures 1,374 square feet. The units within the two buildings on Block 61 will range from 1,316 to 3,052 square feet. A swimming pool is located on the Sundry House property, and a swimming pool is proposed on the second floor of one of the new buildings (Building 8) within Block 61. The 14 proposed units on Block 70 have frontage on South Swinton Avenue. These 14 units will have access to the pool facilities at the Sundry House on the west side of Swinton Avenue. The units in this building range in size from 871 square feet to 1,316 square feet.

Pursuant to **LDR Section 4.4.24(F)(5)**, the floor area for the third floor shall be limited to 50% of the second floor area and the building setbacks or planes of the façade are offset and varied to provide visual relief.

The two buildings proposed on Block 61 will be three stories, and their floor areas have been adjusted to meet the subject requirement. The second story of Building 8 consists of 4,478 square feet, and the third floor consists of 1,241 square feet. The second story of Building 9 consists of 12,115 and the third floor consists of 6,057 square feet. The third floor is setback on all sides of the building to provide the required visual relief. The third floor of the 14-unit Residential-Type Inn on Block 70 contains 3,740 square feet, which is 49.9% of the 7,484 square foot second floor.

Pursuant to **LDR Section 4.4.24(F)(6)**, and notwithstanding the provisions of Section 4.4.24(F)(4)(a), or elsewhere in the LDRs, residential-type inn developments, shall be permitted to connect to adjacent on-site buildings using all-weather, covered walkways, that are constructed of not less than 70% vertical transparent glass or similar material. Said walkways shall be on the ground floor only, shall be located not closer than 15 feet from the front building face, and may be joined to elevators, lobbies, or accessory use facilities permitted herein.

The two new buildings proposed along SW 1st Avenue are connected by a covered walkway consisting of a standing seam metal roof and painted wood brackets which connect into a smooth stucco finished wall measuring 4' tall. The balance of the walkway is open-air, thereby meeting the intent of the transparency requirement above in the case of walkways which are enclosed. The proposed walkway is on the ground floor, and setback approximately 80' from the front property line, and approximately 52' from the front building face.

Pursuant to **LDR Section 4.4.24(G)(4)(c)**, residential type inns shall provide one (1) parking space for each guest room/unit, and any other nonresidential floor area requires one (1) space per every 300 sq. ft.

The total amount of required parking for the residential-type inn use, inclusive of the existing units, is 39 parking spaces. These parking spaces, along with the accessory restaurant, office, and retail uses will be calculated with the site plan review by applying the shared use parking table. All required parking for the entire project has been provided on site within the below grade parking garage within Block 61, with additional spaces at each Hotel on both Block 69 and Block 70.

Pursuant to **LDR Section 4.4.24(H)(3)**, residential type inns shall create a transitional or buffer area between residential uses and nonresidential uses (such as office, commercial, etc.) which are either on or near the subject property.

The proposed units are located on the Sundry House property, where the use exists, along SW 1st Avenue between the Public Library and public parking lot and the proposed mixed-use

buildings along South Swinton Avenue where residential units will be located on the second stories, and along SE 1st Street between the Sundry House and the proposed Hotel with residential structures to the South and an approved commercial adaptive reuse project to the North.

Pursuant to **LDR Section 4.4.24(H)(4)**, a residential inn shall be associated with an historic structure and must be residential in design, scale and character.

The proposed unit at the Sundry House property is residential in character as it was built as a single-family residence which will be relocated to the subject property and adaptively reused for an individual unit within the structure. The proposed new structures along SW 1st Avenue have a general residential (multi-family) character to them. The Residential-Type in on Block 70 is a Mediterranean influence building that is common to residential architecture.

Pursuant to **LDR Section 4.4.24(D)(4)**, residential-type inns shall not exceed more than eighteen (18) individually leased suites or rooms per acre.

The combined lot area of the Sundry House property, and the portions of Block 61 and block 70 subject only to OSSHAD zoning district regulations measures 4.92 acres, which permits a maximum of 88.56 units at 18 suites or rooms per acre. The proposed 39 rooms are 7.92 rooms per acre.

REVIEW BY OTHERS

The development proposal is located in an area which requires review by the WARC (West Atlantic Redevelopment Coalition), the CRA (Community Redevelopment Agency), and the DDA (Downtown Development Authority), and the Historic Preservation Board (HPB).

Community Redevelopment Agency (CRA)

At its meeting of April 13, 2017, the CRA reviewed the revised development proposal and there was no consensus regarding the project.

Downtown Development Authority (DDA)

DDA reviewed the proposal and recommended approval at its meeting of September 12, 2016.

West Atlantic Redevelopment Coalition (WARC)

At its meeting of June 15, 2017, the WARC considered the development proposal and the consensus was to support the project.

Historic Preservation Board (HPB)

The **Historic Preservation Board** considered the subject request at its meeting of June 27, 2017 and recommended approval to the Planning and Zoning Board.

Formal public notice was provided to property owners within a 500-foot radius of the subject property. Find attached correspondence that has been provided to the City. Any additional correspondence will be presented at the Planning and Zoning Board meeting.

ASSESSMENT AND CONCLUSION

The proposed conditional use currently exists on one of the subject properties (Sundy House). The expansion of the residential-type inn within the Sundy House Inn property as well as to Block 61 to the north, and Block 70, to the East is consistent with the policies of the Comprehensive Plan and Chapter 3 of the Land Development Regulations. The proposed use will help fulfill the need for additional accommodation types and options in the downtown area, but will also bring additional economic development to this area of South Swinton Avenue and its surroundings. Positive findings can be made with respect to Section 2.4.5(E)(5), Required Findings.

ALTERNATIVE ACTIONS

- A. Continue with direction.
- B. Recommend approval to the City Commission of the Conditional Use request to expand the residential-type inn use with an additional unit at **106 & 116 South Swinton Avenue (Sundy House)** and to establish 24 new units on **Block 61** for **Swinton Commons**, and establish 14 new units on **Block 70**, 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 criteria set forth in Sections 2.4.5(E)(5), and Chapter 3 of the Land Development Regulations.
- C. Recommend denial to the City Commission of the Conditional Use request to expand the residential-type inn use with an additional unit at **106 & 116 South Swinton Avenue (Sundy House)** and to establish 24 new units on **Block 61** for **Swinton Commons**, and establish 14 new units on **Block 70** by adopting the findings of fact and law contained in the staff report, and finding that the request is inconsistent with the Comprehensive Plan and does not meet criteria set forth in Sections 2.4.5(E)(5), and Chapter 3 of the Land Development Regulations.

RECOMMENDED ACTION

Recommend approval to the City Commission of the Conditional Use request to expand the residential-type inn use with an additional 1 unit at the **Sundy House** and to establish 24 new units on **Block 61** and 14 new units on **Block 70** for **Swinton Commons** 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 criteria set forth in Sections 2.4.5(E)(5), and Chapter 3 of the Land Development Regulations, subject to the following conditions:

1. That the Class V Site Plan and Certificate of Appropriateness be approved.
2. That Palm Beach County Traffic Engineering Division provide a determination to Staff that the proposal meets the Traffic Performance Standards of Palm Beach County.
3. That the proposed alleyway abandonment within Block 61 be approved by the City Commission.
4. That the plat for the complete development be approved and recorded prior to the issuance of a building permit.

Pape, Scott

From: Hoyland, Michelle
Sent: Monday, June 26, 2017 1:57 PM
To: Pape, Scott; Stillings, Tim
Subject: FW: Swinton Commons

I think I already shared this email from Joe Snider, AIA with you regarding Swinton Commons. In case I didn't, I am forwarding again.

He is asking that we read this into record. Is that permitted?

Michelle Hoyland
Historic Preservation Planner



City of Delray Beach
Planning, Zoning & Building Department
100 NW 1st Avenue
Delray Beach, FL 33444
561-243-7040 ext. 6221
561-243-7221 (fax)
hoylandm@mydelraybeach.com
www.mydelraybeach.com

From: Joe Snider, AIA [mailto:jsnider@sequil.com]
Sent: Thursday, June 22, 2017 5:00 PM
To: Hoyland, Michelle <HoylandM@mydelraybeach.com>
Subject: Swinton Commons

Dear Michelle,

I am wondering if you can share this public comment with the Historic Preservation Board. The City's website does not list contact info for the Board members. I will unfortunately be out of town and not able to attend the hearings regarding the Swinton Commons project.

I am a registered architect in Florida and am currently a Zoning Commissioner for Palm Beach County. I have served on many boards over the years including the City's initial Green Task Force. In addition, I hold a Master's Degree in Historic Preservation.

I have been monitoring the Swinton project over the past few years. I attended a public meeting and at the time was horrified to see the proposal to move all of the historic structures from the site and put them on to one fabricated historic village site.

When I first came to South Florida 11 years ago, after living and working in historic communities in Oregon, New Mexico, and Washington DC, I was horrified to find the practice of relocating historic structures as commonplace. I was even more amazed to hear proponents claim that relocating historic structures is in fact good and even preferred preservation.

In every bit of preservation literature I am aware of, site and context are considered integral to the contributing features of an historic structure. Where relocation is acknowledged it is literally as a last resort, next to demolition.

In the case of Swinton Commons, the developer is surely making the case that this site cannot be properly adapted with these structures in place. I wholeheartedly disagree. Successful developments integrating historic and new construction are commonplace throughout the world. Indeed, when done elegantly, the new construction can actually even elevate and celebrate the historic structures. What it comes down to is that the current structures are merely inconvenient to the development they want to do. They are not prohibitive of development in general.

The developer will likely say that these structures are not practical and unusable. It would be a shame to see such "demolition by neglect" where an owner simply purchases a property, neglects it, then claims the only method of saving the structure is to move it. I again disagree that these structures are not practical and cannot be adaptively re-used in a profitable manner.

I would point out to this board that in 2007 the house at 24 N. Swinton was being proposed to be moved, along with the CRA's building along Swinton there. At that time this Board voted against allowing that move. The scale of that proposal pales in comparison to the level of intervention of historic structures being proposed now. If it wasn't passing muster for 1 structure back then, how can this now?

I was also amazed to see when I arrived in South Florida a fear among public officials for enforcing historic preservation guidelines. Developers consistently threaten to sue for takings. As I said in 2007, and I will say again here, there is significant court precedence, all the way up to the Supreme Court, that allows communities to protect their historic assets to the benefit of the larger community.

With that, I hope this Board will vote against this egregious affront to preservation guidelines and not allow the relocation of so many historic structures.

Sincerely,

Joe Snider

JOSEPH R. SNIDER | AIA | LEED® Fellow™ | Green Globes Professional | FGBC Designated Professional
SEQUIL Systems, Inc | (561) 921-0900 ext. 4 | www.sequil.com ←Check out our new website!

Please note as of December 24th our new address is 175 SE 1st Avenue, Delray Beach, FL 33444

Florida's First LEED Proven Provider



Pape, Scott

From: Mario Daniele <mjdaniele@gmail.com>
Sent: Monday, June 26, 2017 2:04 PM
To: Pape, Scott
Subject: response to Public Notice from Historic Preservation Board

Dear Mr Pape,

This correspondence is in response to the Public Notice from the Historic Preservation Board regarding Proposed Demolition and Relocation of Contributing Structures and the Public Hearing regarding such which will be held June 26th and 27th.

Though I am not against the Proposal, I must express my concerns regarding the traffic and noise that this project will add to our already busy, congested neighborhood. As the owner of the Royal Atlantic building at 12 SE First Avenue in Delray Beach, I and my tenants have experienced years of difficulties accessing our building due to large delivery trucks blocking the adjacent street. I have received numerous complaints from tenants wanting to get out of their leases early because they can no longer tolerate the lack of traffic enforcement nor are they able to sleep at night due to the noise from nearby clubs. These factors are making it increasingly difficult to keep tenants and lease vacant units.

Though I am not resistant to redevelopment, I urge the City to consider those who live and work in the Old School Square Historic District. It is our hope that you will consider the challenges that we currently face and proceed responsibly with this project.

Mario Daniele
Owner
Royal Atlantic
12 SE First Avenue
Delray Beach, FL 33444

Pape, Scott

From: Miller, Diane
Sent: Tuesday, June 27, 2017 10:49 AM
To: Pape, Scott
Subject: FW: Tonight's meeting

Correspondence for tonight's meeting

Diane Miller
Executive Assistant
Planning, Zoning & Building Dept.
City of Delray Beach
100 NW 1st Avenue
Delray Beach, FL 33444
561-243-7040 x6214 (Office)
561-243-7221 (Fax)
millerd@mydelraybeach.com

PUBLIC RECORDS NOTE: Florida has a very broad public records law. Most written communications to or from local officials, employees, or the general public regarding city business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

-----Original Message-----

From: Joy Howell [mailto:joy@cambridgestrategicpartners.com]
Sent: Monday, June 26, 2017 4:06 PM
To: Joy Howell
Subject: Tonight's meeting

Good afternoon,

I have been reading about your item tonight on the proposed development at Atlantic and Swinton. I think that your mission is to safeguard our historic districts and analyze carefully whether any proposed development in those districts complies with our codes and regulations. That is why we have historic zoning. Those people who want you to take a broad look at the economic viability of the project are putting you in the position of going beyond your core purpose. I would hope that you would be the experts we could count on to analyze a project from a historic preservation perspective and then let the commissioners make the overall determination of the project's value while considering your analysis untainted by other issues.

Sincerely,

Joy Howell
Delray Beach

Joy Howell, MBA, MPA
202-302-5932 cell

Pape, Scott

From: Shelley <shelley.glass@gmail.com>
Sent: Monday, June 26, 2017 1:56 PM
To: Pape, Scott
Subject: Proposed Swinton Commons

Dear Mr. Pape,

I have received a notice of this petition because of my location at 111 SE. 2nd St. Suite 101. I am writing to let you know that while I am unable to attend the public hearing this evening, I am in favor of this project going forward.

Thank you very much.

Shelley Glass
2nd Street Investment, LLC

Shelley Glass
Sent from my iPhone 1

Pape, Scott

From: Hoyland, Michelle
Sent: Monday, June 26, 2017 1:47 PM
To: Pape, Scott; Stillings, Tim
Subject: FW: Historic Preservation Board Meeting regarding Hudson Holdings Development

Please see email below from Cindi Freeburn regarding Swinton Commons.

Michelle Hoyland
Historic Preservation Planner



City of Delray Beach
Planning, Zoning & Building Department
100 NW 1st Avenue
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561-243-7040 ext. 6221
561-243-7221 (fax)
hoylandm@mydelraybeach.com
www.mydelraybeach.com

From: Cindi Freeburn [mailto:freeburncindi@gmail.com]
Sent: Monday, June 26, 2017 12:05 PM
To: Miller, Diane <millerd@mydelraybeach.com>; Hoyland, Michelle <HoylandM@mydelraybeach.com>; Commissioners, Mayor <Commissioners_Mayor@mydelraybeach.com>
Subject: Historic Preservation Board Meeting regarding Hudson Holdings Development

Hello,

Diane, I cannot find on the city's calendar or HPB Board calendar a notice of a meeting to be held tonight at City Hall, June 26 at 6 pm regarding the latest proposal of Hudson Holdings in the OSSHD district. Can you confirm or deny such a meeting? I have been told it is being held, but feel that if it has not been properly noticed on the City website then no such discussion should take place.

In the event such a meeting is taking place, I feel very strongly that the above topic of Hudson Holdings and whatever the most current name for the project they are proposing (they have conveniently changed it numerous times) should NOT be discussed until such time as the Community at large has an opportunity to read, digest, review and comment on said proposal.

From what little I have heard about the most recent version of their plan, I have the following concerns:

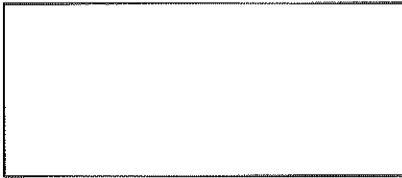
- 1) A request by the developer to exceed the permitted length of a building (per the CBD code) above the maximum of 60 feet for two buildings within the proposal.
- 2) The moving of several Historic homes/structures potentially TWO TIMES, from their original placement and historical context, which goes against guidelines for Historic Districts. I believe one of the moves is to dig underground parking. Due to "self imposed blight" by this developer and the previous owner of the properties, the historic structures are unlikely to withstand these moving processes.
- 3) The abandonment of public alleys, an integral East/West passageway for bike/ped use, and part of the essential "grid" in our city.
- 4) The uprooting of numerous trees, with only a small percentage to be replanted in the development.

In addition, I am concerned about the poor reputation this developer has in other municipalities in FL and elsewhere of failed/stalled projects and law suits. There are also significant worries about the "use" the developer intends in some of the "residential" inns/dwellings on the property, given the current issues we are having in our Community with corrupt scams in the Rehab industry as highlighted in recent National news coverage.

I have also learned that the developer is fighting the pending designation of the OSSHAD on the National Historic Register, which shines light on his purported marketing of the project as "preservation oriented".

Given all of the above concerns, it is my request that the discussion of this project before the Historic Preservation Board slated for tonight, Monday, June 26th be postponed. It is imperative that the public at large as well as Board members, be given more time to consider this very large and impact-laden proposal to a historic district in our town. We run the risk of some very hasty and poor decision making that may impact not only this historic area of Delray, but potentially every historic district in our town.

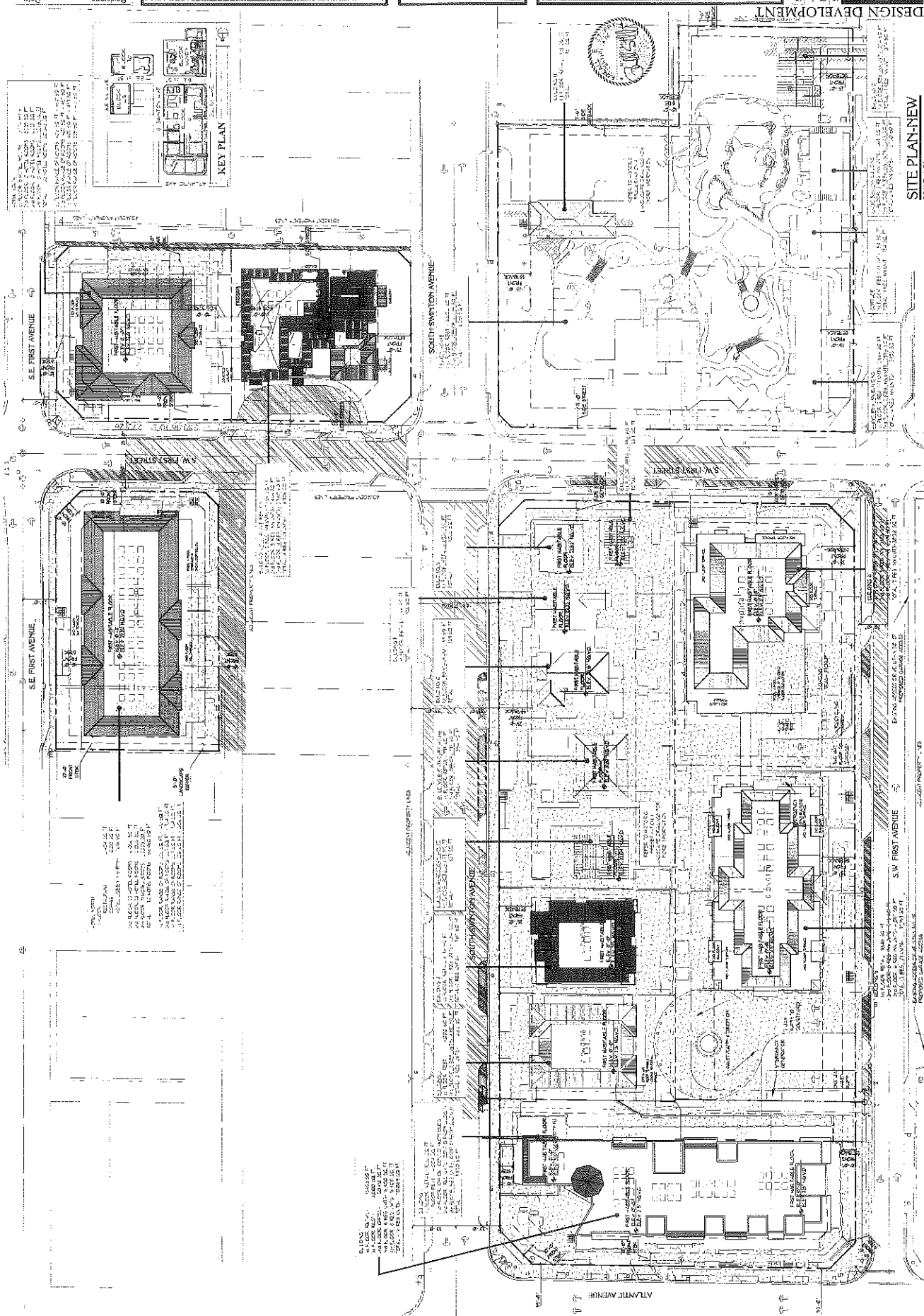
Cindi Freeburn
Co-Owner & CMO



561-573-8287

www.exhilariderentals.com
rentals@exhilariderentals.com

SITE PLAN-NEW
SCALE: 1/30



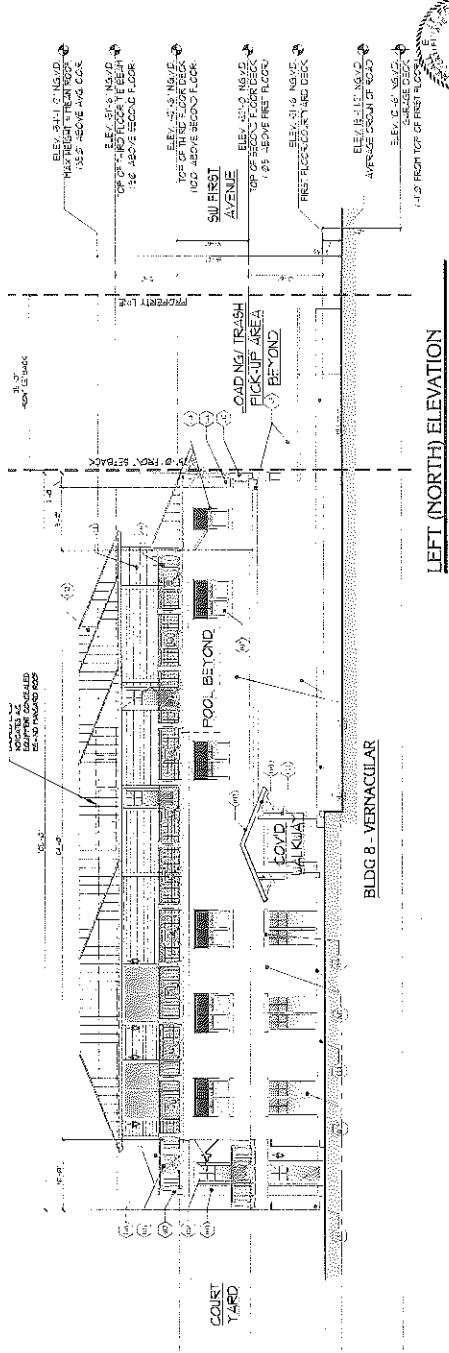
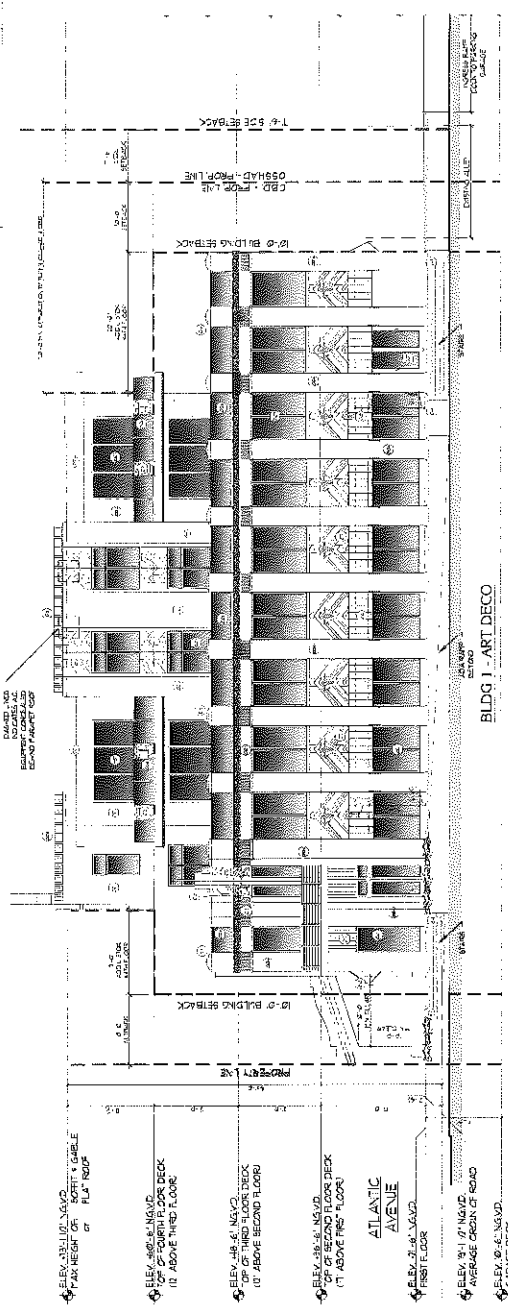
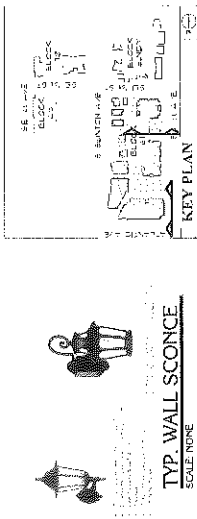
DESIGN DEVELOPMENT

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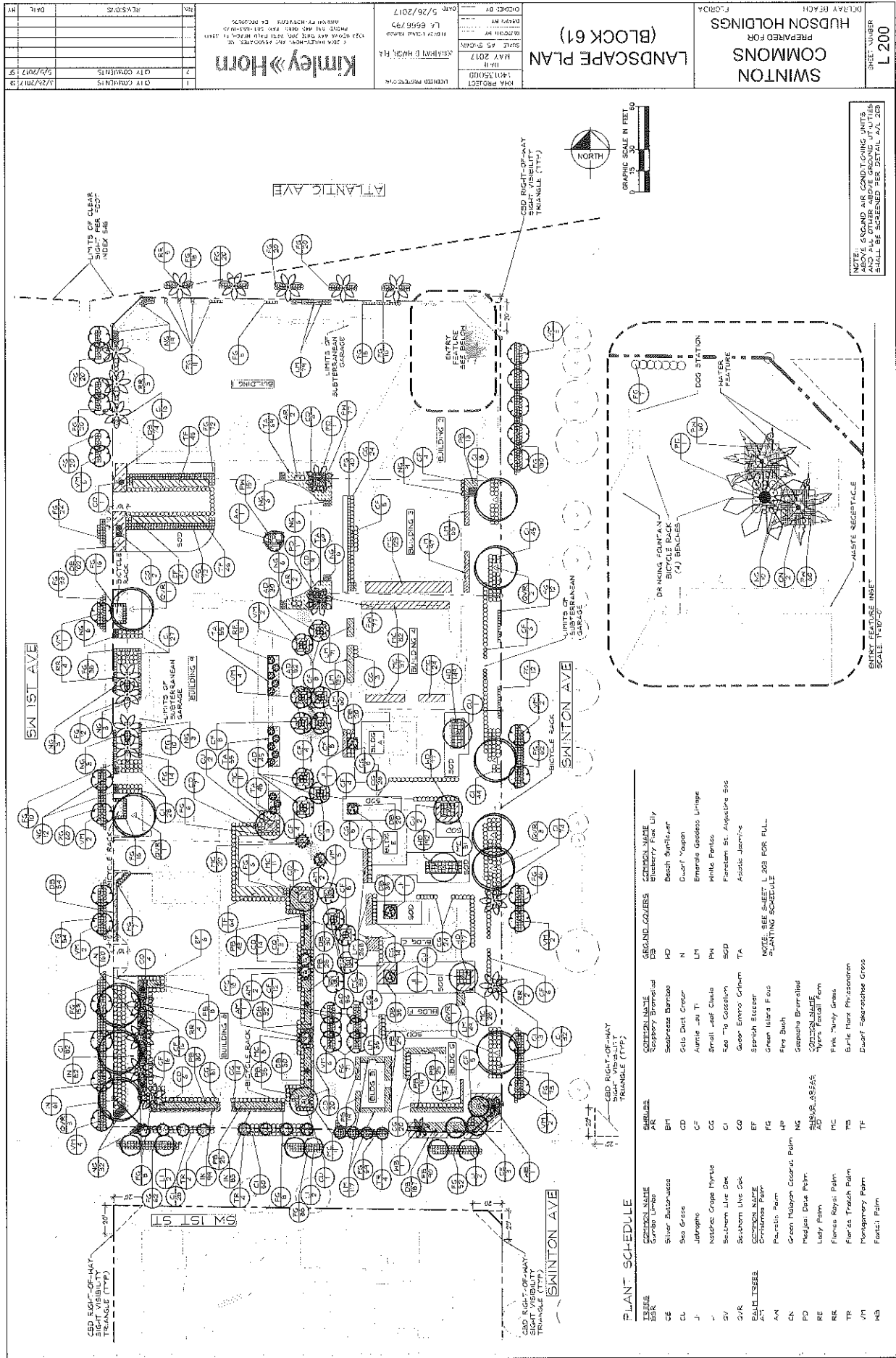
SYMBOL LEGEND:

- A - BUILDING WIDTH
- B - RETAIL SPACE WIDTH
- C - WINDOWS / DOOR OPENINGS EQUAL AT LEAST BOTH OF B.

56 1ST AVENUE STOREFRONT:

[illegible][illegible]

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PLANT SCHEDULE

PLANT CODE	COMMON NAME	REMARKS	COMMON NAME	REMARKS
CE	Silver Buttonwood	BT	Scorpaenia Torreyana	Scorpaenia Torreyana
CL	Sesuvia	CD	Golden Bell	Golden Bell
J	Jatropha	CF	Golden Bell	Golden Bell
-	Nature Grape Hyacinth	CG	Golden Bell	Golden Bell
GV	Southern Live Oak	CI	Golden Bell	Golden Bell
GVR	Southern Live Oak	CO	Golden Bell	Golden Bell
PAINT TREE	COMMON NAME	EF	Golden Bell	Golden Bell
AT	Christmas Palm	FG	Golden Bell	Golden Bell
AN	Parrot Palm	UP	Golden Bell	Golden Bell
CN	Green Mahoe Coconut Palm	MS	Golden Bell	Golden Bell
PD	Madagascar Palm	MS	Golden Bell	Golden Bell
RE	Lady Palm	MS	Golden Bell	Golden Bell
RIE	Flamingo Palm	MS	Golden Bell	Golden Bell
TR	Flamingo Palm	MS	Golden Bell	Golden Bell
TM	Flamingo Palm	MS	Golden Bell	Golden Bell
W3	Flamingo Palm	MS	Golden Bell	Golden Bell

NOTE: ALL SECOND AIR CONDITIONING UNITS AND ALL OTHER ABOVE GROUND UTILITIES SHALL BE SCREENED PER DETAIL A1.203

SHEET NUMBER
L 200

SWINTON COMMONS
PREPARED FOR
HUDSON HOLDINGS
FLORIDA

LANDSCAPE PLAN
(BLOCK 61)

DATE: 5/26/2017
PROJECT: SWINTON COMMONS
LOCATION: SWINTON COMMONS
DRAWN BY: J. L. 6666/75
CHECKED BY: J. L. 6666/75
SCALE: AS SHOWN
HAY 2017
1:01/25/00

Kinley Horn

DATE: 5/26/2017
PROJECT: SWINTON COMMONS
LOCATION: SWINTON COMMONS
DRAWN BY: J. L. 6666/75
CHECKED BY: J. L. 6666/75
SCALE: AS SHOWN
HAY 2017
1:01/25/00

