

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

**MEETING DATE:** January 27, 2016

**MEETING PLACE:** City Commission Chambers

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

**MEMBERS ABSENT:** All members were present

**STAFF PRESENT:** Michael Dutko, Assistant City Attorney, Scott Pape, Principal Planner, Tim Stillings, Director of Planning and Zoning and Kelly Simmons, Board Secretary

**I. CALL TO ORDER**

The meeting was called to order by Chair Jose Aguila at 6:00 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**

**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**

Dr. Victor Kirson – Last week you passed iPic. You really had no alternative. That's a shame for the Marina District but it's really not iPic's problem. For anyone who is new in Delray Beach politics on this Board, the way it works is, if you didn't pass it, it would be appealed to the City Commission. When it gets there, they have three votes "in the bag" so we can't go anywhere with that. But thanks for trying.

**VI. MISCELLANEOUS**

A. Wood & Fire Restaurant – Class III Site Plan, Landscape Plan, Architectural Elevations  
5199 West Atlantic Avenue

**Amy Alvarez, Senior Planner**, presented the items through a review of the staff report and entered file 2015-193 into the record.

**Exparte Communication** – None.

**Applicant's Presentation**

**Anthony Cosentino, Architect, 1000 SW 1<sup>st</sup> Way, Boca Raton** – Mr. Cosentino referred to a Power Point presentation to review the project.

**Public Comments** – None.

**Board Comments**

**Andrew Youngross** – The Landscape Plan is okay but the lighting poles and light fixtures have not been coordinated so that means it won't work and they will have to redesign the lighting plan. Secondly, looking at the floor plan, the overhead door that leads out to the north patio, I would like to have that explained to me. I think there needs to be an access sidewalk to that patio.

**Anthony Cosentino** – It is an overhead type door. We are working on "upping" the tonnage of the HVAC to allow for a constant temperature within the building to keep those doors open.

**Andrew Youngross** – That's not going to work, so in the event that it doesn't, what is your plan?

**Anthony Cosentino** – A man door built into the door probably.

**Andrew Youngross** – Okay, I still think they are going to need access from the exterior. Based on the roof plan, I didn't see all the screening which should screen all the equipment. Other than that and the complete revision of the lighting plan, I think the project looks okay and the elevations look fine.

**James Chard** – Let's talk about the Landscape plan. It talks about some significant trees, including some natives, which are to be relocated.

**Dan Carter, Landscape Architect, Carter and Associates** – Sheet L2 of the Landscape Plan indicates where the Gumbo Limbos and Sabals are being moved to various on-site locations.

**James Chard** – I went through the list of plans and I came up with different numbers in terms of which are natives and which are non-natives.

**Dan Carter** – We will review the gap. We are well over the required 50% of natives. You do realize that Green Island Ficus is considered a “Florida friendly” plant. It’s not a native but it is included in the acceptable chart.

**James Chard** – Is that correct Amy?

**Amy Alvarez** – I don’t know. I would have to inquire with our Landscape Planner on that.

**Dan Carter** – We will make sure we adhere to the requirements.

**Brett Porak** – I have a question on the south elevation and what looks like a projection screen?

**Anthony Cosentino** – It’s something the tenants are considering. It’s a wall left blank for a portable projector that can project a movie or video or whatever.

**Jim Knight** – The only question I have is in regards to the parking. I want to make sure that as more restaurants come in, it won’t cause an issue down the road.

**Amy Alvarez** – As any of the modifications come in, we would look at it.

**Roger Cope** – I very much like the project. It is clean, crisp, edgy, simple and understated. It’s going to be a “good shot in the arm” for that area.

**Vlad Dumitrescu** – Does it require a chimney?

**Anthony Cosentino** – Just an exhaust.

**Jose Aguila** – I think it’s a good project with just a few “housekeeping issues” to work on. Get your landscaping and your photometrics coordinated so that the plan works and you’ll come back and see us on signage.

**Motion** to approve Class III Site Plan Modification was made by Jim Knight and seconded by Roger Cope, with added condition to revise the Photometric and Landscape Plans.

**MOTION CARRIED 7-0.**

**Motion** to approve Landscape Plan was made by Roger Cope and seconded by Jim Knight.

**MOTION CARRIED 7-0.**

**Motion** to approve Architectural Elevations was made by Roger Cope and seconded by Vlad Dumitrescu.

**MOTION CARRIED 7-0.**

*Andrew Youngross stepped down for the next item as he is the Engineer on record for Atlantic Crossing.*

## **VI. MISCELLANEOUS**

B. Atlantic Crossing – Class II Site Plan and Landscape Plan  
NE Corner of 7<sup>th</sup> Avenue and NE 1<sup>st</sup> Street

### **Exparte Communication**

Jim Knight has been to various meetings and spoke to various people but said it won't affect how he votes on this project.

Michael Dutko notified the Board of the Party Status request from Harbour House Homeowners Association and Parkview Manors Homeowners Association. He verified both groups met the sufficient requirements.

**Motion** to accept the Party Status request was made by James Chard and seconded by Roger Cope.

**MOTION CARRIED 6-0.**

**Scott Pape, Senior Planner**, presented the items through a review of the staff report and entered file 2016-036 into the record and noted that Staff is recommending the denial of the one-way surface drive.

### **Applicant's Presentation**

**Brian Seymour, 777 S. Flagler Drive, West Palm Beach** – We would object to any intervention and party status. There is no impact so they can't be impacted differently when there is no significant impact whatsoever. There is a long history with this project and property. I'm not going to go into it but as Scott said, in 2014, there was an approved plan. You all reviewed it. It went to the City Commission and they approved it. It went to court and the court upheld it. The only change that is being proposed is, simply, the one way exit driveway. Everything is consistent with the code and comp plan just as it was previously.

Mr. Seymour entered the transcript from Mr. Renebaum's testimony and recommendation from his visit on July 7<sup>th</sup>, into to record.

He stated that the Applicant agrees with all of the engineers who have already looked at this and believe the already approved plan is the best plan and that this plan is an attempt to work with the neighbors.

**Bruce Leiner, President of Harbour House Homeowners Association** – *(Mr. Leiner distributed handouts to each Board Member and entered copies into the record. Mr. Seymour asked for his objection to be noted. Mr. Leiner went through and discussed various items in the packet he provided to the Board.)* I agree with Scott Pape's analysis that this should currently be denied for the reasons they said: the internal conflicts perhaps need to be worked out and we agree we could also be supportive of a surface road

configuration, either the one way or the two way road, that we believe in the lawsuit is an actual easement that has never been vacated or abandoned. There are portions of the LDR that still have to occur. But we agree with Scott that with proper fixing, this might be an alternative but it's not ready for prime time today. I'm going to give you a couple of quick reasons why the surface road may be vastly more desirable: one reason is because the original plan worked because, no matter what exit or entrance was used, you accessed all 1000 parking spaces. You could get in to or out of any space. The surface road restores that. The in and out of the garage only accesses 145 spaces. Every single truck must enter from Atlantic or NE 1<sup>st</sup> Street, which is a compromised, subpar street.

We want this thing to be built. We are not anti-Atlantic Crossing and never have been. We didn't show up here for the first time until the road disappeared. If you look at the packet in front of you, you will see that they don't have clear title and they don't have the right to build on top of easements. They did not provide a clear title certificate. They have only provided a title opinion based on title insurance and your code specifically says that is not acceptable, so they haven't even met the basic requirements of the LDRs to even be here at this hearing tonight.

In reply to Brian's comment, there is a huge impact on the neighborhood. The only access to the park, currently, is going to be 1<sup>st</sup> Street. That's a huge safety issue for our group. If anything happens on 1<sup>st</sup> Street, we can't get out. The GPI report says that numbers from Kimley Horn are off by as much as 300 percent.

***No one from Parkview Manor Homeowners Association was present to speak.***

**Cross Examine**

**Scott Pape** – None

**Brian Seymour** – None

**Bruce Leiner** – I just have these questions for Scott:

- 1) Has there ever been, to your knowledge, any application for an abandonment of the easements on this property?
- 2) Is it true that they still do not have the FDOT approval?
- 3) Can this Board make an easement disappear or is there a process that has to be followed?

Jose Aguila asked Scott Pape to answer Yes or No to the above questions. He replied:

- 1) No.
- 2) They provided a pre-application letter. That's it.
- 3) Absolutely not.

**Public Comments**

**Benita Goldstein, 302 NE 7<sup>th</sup> Avenue** – I just want to thank the members of SPRAB. You are all Delray Beach citizens, giving your time and trying to do the best for the citizens. We the appellants who are here, represent different neighborhoods and we are trying to do the same. *(Ms. Goldstein distributed quotes from Minutes of 11/20/13 SPRAB meeting citing traffic concerns from four of the seven Board Members and discussed an email she received from FDOT. She encouraged the SPRAB members to postpone the vote until the issues she raised have been addressed.)*

**Dr. Serena Goldstein, 302 NE 7<sup>th</sup> Avenue** – *(Read a brief recap of events concerning Atlantic Crossing. Timeline included dates of lawsuit against the developer by citizens in the neighboring community, hiring of an independent traffic engineer, Susan O'Rourke, to submit a traffic report, various SPRAB and appellate meeting dates that discussed the traffic concerns and the drawbridge schedule, as well as the anticipated reduced level of service.)*

**Kristine De Haseth, Executive Director, Florida Coalition for Preservation** – We are a grassroots, non-profit organization. Our membership includes hundreds of Delray Beach residents. Our mission is to promote responsible development and preserve the quality of life in coastal communities. We've been involved in the Atlantic Crossing project since 2008-2009. We have worked hard with concerned residents to help improve the project, to make it more compatible with the surrounding areas and acknowledge the reality of increased traffic and it's negative impact on everyone's quality of life.

I question whether there was adequate time for staff to review the last minute revisions to the GPI report. As of Friday morning, staff said the report was being revised and was therefore not available for distribution, and according to Mr. Pape, it would not be on tonight's agenda. The Coalition made a Public Records Request on January 7<sup>th</sup> and a reminder was sent on January 14<sup>th</sup> and another one on January 22<sup>nd</sup>. As of 5 p.m. today, I still have not received any materials or communication from Planning and Zoning to whom the request was made and the reminders were sent. My comments are not meant to discredit staff, but to emphasize more, the value of time. We did not receive the materials on a timely basis. I feel we have all been denied due process by not having adequate time to review the materials and respectfully request that you vote postpone your decision.

**Carolyn Patton, 1020 Tamarind Road** – I currently serve on the board of the Marina Historic District Homeowners Association. This is probably the neighborhood most affected by traffic from this project. In light of the Chairman's comments that we should only talk about the entrance issue tonight, this entrance issue, according to all of these traffic engineers, has a direct impact on the traffic situation. I want to focus on what got us here in the first place: traffic congestion in our family neighborhoods surrounding this project. When Randal Krejcarek did a traffic count before we instituted "resident only" parking in the Marina Historic District, he found problems with traffic in our neighborhoods today, so it doesn't take a genius to realize that after this is built, we are still going to have a tremendous impact on our residential area. The fact that we are still discussing traffic after seven years should be a clear indication that this is a serious issue

and one that has not been resolved. The City is responsible and obligated to explore mobility for its residents. I support your decision tonight to postpone any decision.

**Charles Dortch, 112 SE 7<sup>th</sup> Avenue,** – I am the Vice President of the Marina Historic District Homeowners Association. You have four traffic studies that have been done on this project. We know that there is a lot of traffic. Could you imagine adding thousands of additional of daily vehicle trips? I notice there is no mention of the iPic theatre. That is also going to add thousands *more* trips. So I'm asking you to use some common sense and logic because it's really important to everyone who lives in the existing neighborhoods, the City of Delray and it's important to the success of this project. If this project fails, we all go down with it and I don't want to see it. So please consider this.

**Arlen Dominek, 50 East Road** – I live in Bar Terrace. Even with its 12 stories, its impact upon Atlantic Avenue and the neighborhood is nothing like what Atlantic Crossing's impact will be. It's not that I mind having Atlantic Crossing there. I would like to have a nice development over there with some nice restaurants to go to. But when I walked down the Avenue during the Delray Affair this last weekend, I wondered what is going to happen to our neighborhood? Are we going to have to cancel the St. Patrick's Day parade, our 4<sup>th</sup> of July gatherings and the Delray Affair because of access on 7<sup>th</sup> Avenue? You haven't had much time to digest all of this; none of us have. At any rate, we do have gridlock and we do have to worry about it. I hope we all take the time to do what's right. Surely, this is a better way to do this and to make everyone happy. Right now, this entire proposal doesn't even meet the minimum levels as required by state law and by our comprehensive plan. It should have never been approved, although we are not here now to discuss that. Thank you for your time.

**Rita Rahna, 50 East Road** – Thanks to all of you for your support at the City. I also want to thank all of the concerned citizens who put in so much time. I don't think there is anyone who doesn't want this project to succeed. I think everybody is just genuinely concerned about the traffic fluidity. The citizens rely on developers and boards to give careful consideration to all aspects of a project, however, with this Atlantic Crossing project, questionable mistakes have occurred: the street missing from the plat, no clear title certificate, a missing promised ingress on the site plan. Mizner Park is a mixed use project of 500,000 square feet, similar in size to Atlantic Crossing. Mizner Park is surrounded by four lane roads, it has 13 ingress and egress options and 2500 available parking spaces. Atlantic Crossing has approximately two ingress/egress options and 1000 parking spaces. I've heard of comparative traffic studies but brush-stroked information, no specifics, so I questioned if somehow similar to the street missing from the plat, no clear title certificate, missing promised ingress...what's missing from the traffic study? I'm certain the study includes numbers from the impending SofA, iPic, various hotels and other projects, as well as the 40 additional street closures from All Aboard Florida, along with the obvious bridge challenges. Considering all involved are responsible for the outcome of this project and because no more questionable mistakes can be afforded with the dynamics of this size of this project and already minimal traffic fluidity challenges, I'm hoping for a sound, intelligent outcome and that you deny or postpone this.

**Kelly Barrette, 1201 Seaspray Avenue** – My husband and I participated in the appeal of SPRAB's 2013 decision to approve Atlantic Crossing site plan. As one of six groups of citizen appellants, we voiced our concerns about the negative impact of increased traffic in our beach neighborhood and the inevitable gridlock on Atlantic Avenue, caused by the lack of a two way surface road in and out of the project. We also contributed to a citizen funded traffic study which provided evidence that would relieve congestion in and around the project. This crucial two way road is not a new idea. It was originally called Atlantic Court and it was an integral part of the land swap the City made with the developer when it agreed to trade the alleyways for the road back in 2009. At that time, the developer's lawyer successfully argued before the City Commission that road was necessary in order to preserve the traffic grid. But Atlantic Court later disappeared in a 2013 redesign of Atlantic. It is extremely disappointing that we are back here today, three years after our original appeal, and nothing has changed. In fact, matters have gotten much worse. The developers have filed a multi-million dollar lawsuit against the City for construction delays and have alleged that three commissioners are trying to block their project at all costs. We are not opposed to development, but it must not negatively impact surrounding neighborhoods or our quality of life. We ask that you postpone this critical decision tonight and allow the experienced traffic engineer to provide expert opinion to help you evaluate and respond to the 78 page Greenman Pederson traffic report. If you proceed tonight and approve this site plan without proper review and complete information, you will leave citizens who have worked for three years on behalf of the City's best interest with no choice but to appeal your decision.

**Michelle Amiel, 809 NE 1<sup>st</sup> Street** – I was the missing Party Status representative from Parkview Manor from earlier. My concerns are all that have been mentioned tonight, especially the exit off to Federal Highway. My other really big concern is the dead end on NE 1<sup>st</sup>. It is becoming really obvious that it is going to be a huge concern. People don't realize it's a dead end street that goes right into the Intracoastal. Sometimes I cannot even back up. People come down the street, realize it's a dead end and they have to create a U-turn where there is no U-turn, so they go onto our grass or our driveways and sometimes they hit our dumpsters or my car. So that is my concern. If you are going to have a parking garage coming out onto our street and no indication that it is a dead end when you get past Veteran's Park, where are they going to turn around? Come down our street next time there is a function in town and you will see. I love the project but we need to see the concerns addressed.

**Bruce Gimmy, 439 E. Atlantic Avenue** – There is a dead zone that runs from 5<sup>th</sup> Avenue to the bridge. There are merchants and restaurateurs that fail because it's a dead zone. A lot of people were expecting this project to spark and stop the dead zone and that people were going to start walking along there. I love the project. I hope we can find a compromise to make this go, rather than sit here with lawsuits and people who are upset. This has been vetted so much. They are giving so much: Veteran's Park, \$500,000.00; a trolley, traffic lights and they are bending over. I want to see this project happen and hopefully you can work out a compromise.



**Karen Granger, Greater Delray Beach Chamber of Commerce** – I just want to reiterate the Chamber's stance. We hate to see years and years go by. I hope you can make a decision tonight that this project can move forward. Our advocacy group hates to see the blighted area and we look forward to the tax dollars and the jobs it will bring.

**Dr. Victor Kirson, Tierra Verde, Delray Beach** –

1. I learned from this Board that a Certificate of Title not necessary at this stage. You can wipe out all of the testimony about that.
2. I don't care if you use the original agreement, one road or two roads, anyone who thinks with all of the construction that has been approved for Atlantic Avenue, that they are not going to be totally congested, is sadly mistaken.
3. You have one thing to do here: pass this or revert back to the original that has already been passed. I personally would like to see this move on.

**Joy Howell, 340 NE 7th Ave, Delray Beach** – I bought here a year ago, knowing that this project going to be a reality. No one here is arguing against the project. I hope you don't feel urgency to approve it before all of the i's and t's are dotted and crossed. I point to the title certificate. There has been no proper abandonment of the easements, so the LDRs have not been followed. At this point, we have litigation in front of you. I don't see how you can do anything except postpone your consideration of the project and I sympathize having been on many boards and commissions myself. But the good news is, you have a crystal clear mission tonight: you're not being asked to approve or deny the project; simply to make sure that there is no give away of public lands without proper process and procedure.

**Bob Ganger, Florida Coalition** – I don't think anyone listened to the instructions which were to "pick from column A or column B." I think you articulated the mission quite well but I also think whatever you decide, and let's assume for the moment you agree with staff, my understanding is that you will make that known to the Commission but that the Commission can't do anything because they still have to resolve pending lawsuits that may go on for years. So, with all due respect, one could argue that if you either make the decision or postpone, it's not really going to make a difference. The one thing that you are going to have to recognize and make very clear is that the developer is going to have to own the land before anything can happen.

### **Rebuttal**

**Brian Seymour** – The short version is back to your original point Mr. Chairman. Every one of the neighbors has traffic concerns. None of that is the issue tonight. That has been decided. It's been raised. You have 800 pages of stuff that has already been reviewed. They talked about their appeal and having been to the courts. What is there, is there. This is not about whether the trips go on the road. This is simply about does it go out at the surface or go out from the garage. The only reason that it's coming up to go out at the surface is because we are trying to be accommodating. So, whether you approve or deny what we've requested, this is our attempt to work as best we can. In reference to the report from Miss O'Rourke, the report which has been vetted, discussed, reviewed and ultimately submitted through the courts because it was done through that process, what

it didn't do was talk about the internal conflicts of the two way road. So the two way road is problematic and it is not acceptable to the developer because we cannot do something that every engineer who has looked at that issue and said "it's not okay." There is no need to postpone on this issue. It doesn't change anything.

The issue on the DOT is not an issue and is frankly, not allowed to be an impediment. Florida Statutes require that the most you can do is to condition the approval on the receipt of the FDOT letters. We understand that and know we need to get FDOT approval, but as a matter of law, that cannot be a reason not to move forward. The issue of the ownership, I'm going to shock you all and tell you we own the property. The City Commission has the authority to deal with that; you don't, and I understand that and we are not asking you to.

### **Rebuttal**

**Bruce Leiner** – I would like to rebut something that Brian just stated that the City Commissioners can deal with that. As I understand the code and the LDRs and my conversation with Scott Pape, the City Commissioners do not have the authority abandon dual purpose easements. The easement created in 2009 is for ingress and egress. They do have the authority to vacate single purpose easements but the process that I stated before absolutely has to happen and the City Commissioners cannot in fact deal with that nor can your board. I wanted to clarify that point. The only thing I wanted to rebut generally from what Mr. Seymour said, is that he basically stated that there is no impact and that we should just accept a mediocre plan. But it is under the purview of this board as far as degradation of neighborhoods. If that traffic study from GPI is correct and 300% more traffic is flowing out or if there is an accident on 7<sup>th</sup> and all of the traffic has to go to 1<sup>st</sup>, you may destroy those neighborhoods. There has been no conversation about how people access the park. It's a public park. It's not an amenity for Atlantic Crossing. So these are important impacts that you do have to take into account, along with safety. Also, all departments are opposed to closing Palm Trail from the Fire Department to EMS, because of increased response times. Bottom line, we believe a surface road belongs there and we would support perhaps a one-way or two-way when it's properly designed. Thank you.

### **Board Comments**

**James Chard** – The issue before us, does that incorporate the alley abandonment and easement?

**Michael Dutko** – No, those are issues for the original site plan approval. My understanding is that those issues were already addressed. Now is strictly whether or not to approve this one-way drive.

**James Chard** – It's been said that FDOT pre-approval is not necessary; is that correct?

**Jose Aguila** – After asking a certain number of questions, FDOT will issue a pre-application form that says "you came, you fought, you still need to go through everything but we generally understand and we are okay with it and it's typically good for a year."

**James Chard** – Regarding the Certificate of Title, is that something that has to be conveyed before we can make a decision?

**Michael Dutko** – Again, that is a site plan issue.

**James Chard** – Are the representatives from GPI here? The LOS service summary table, 2, can you go through that and help me understand it?

**Michael Wieszchowski, Traffic Operations Engineer, GPI** – Susan O'Rourke's study used older planning values for traffic volume out of the county's information, she put in growths that were higher than are actually seen out there and she didn't account for certain things like the relocation of vehicles because of the cul-de-sacking and things like that. We actually went out there and counted each of the intersections along NE 1<sup>st</sup> and E Atlantic Avenue at the 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> Streets. So we did traffic counts, then we adjusted the traffic to account for the cul-de-sacking and for the removal of the site trips. Then we used the projections from what the applicant had to put sites on the road. The LOS analysis we did was based on those cumulative traffic data. It should be noted that the applicant did not include the pass-by trips in their site diagrams, so the volumes that where we put on roadway were a little higher than you would actually see because pass by trips would normally be discounted from the traffic. We did a conservative analysis. We did signal timing observations. We ran a program called Syncro, which does the LOS and capacity analysis per the highway capacity methodologies and we applied the volumes that we had using that. We also found that the signal timings were not optimal out in those corridors and with some good timing improvements, you could actually improve the operations that are out there, both now and in the future. That is something the City should definitely consider, especially once that development is in place and new traffic counts should be done.

**Brett Porak** – Personally, I tend to side with the traffic engineers who are assigned to study these things and there is a lot that goes into these studies.

**Jim Knight** – The one thing I've never understand is why close off 7<sup>th</sup>? If 7<sup>th</sup> had stayed open, as opposed to the round-about at the north end of the property, would that have eased traffic?

**Michael Wieszchowski** – What it actually does is, it forces trips that are currently going down 7<sup>th</sup> to re-direct to the one-way pair at 5<sup>th</sup> and 6<sup>th</sup>, which has more lanes and more capacity to handle that traffic. If that was open there would be more traffic within the site. But I don't see it improving things.

**Jim Knight** – Do you agree with the statement that the first option was the best?

**Michael Wieszchowski** – Of the options presented, anything that puts a roadway out to 6<sup>th</sup> causes more internal site conflicts the way the site is currently designed and approved. So given what has already been approved, the best option would not to be

have an extra leg in there for an internal site circulation. The analysis we did shows there is minimal change in traffic between the options. Of the configurations the way the site is approved, not having that connection would be best option.

**Danielle Joyce, Traffic Operations Engineer, GPI** – I would just like to add a couple of things. I want to clarify that we did not look at the site comprehensively. We were focusing just on the access roadway and like Mike had pointed out, one of the main reasons we felt that the one-way off to Federal/NE 6<sup>th</sup> was better, was because of the safety impacts on site.

**Roger Cope** – I'm compelled to support staff. I'm somewhat disappointed that other alternatives and solutions haven't been presented to us. As presented, there are too many problems to support.

**Vlad Dumitrescu** – It's very congested. I prefer the old solution.

**Jose Aguila** – I favor the project but I've also felt traffic will be the issue. I think once this is built, the traffic dynamics of that area are going to change. I've heard nothing that tells me that tonight's option is an improvement on what was approved previously. I see no reason for postponement. I'm supporting staff's recommendation to deny the request.

*Jose Aguila passed the gavel to Roger Cope, Vice Chair in order to make a motion.*

**Motion** to deny the Class II Site Plan Modification was made by Jose Aguila and seconded by Brett Porak.

**MOTION CARRIED 5-1, James Chard dissenting.**

**Motion** to deny the Landscape Plan was made by Roger Cope and seconded by Brett Porak.

**MOTION CARRIED 6-0.**

## **VII. REPORTS AND COMMENTS**

### **Staff Comments**

**Scott Pape** – I have to be more descriptive on the discussions and if you have dissensions for our appealable items for City Commission. So if you can help us out and tell us why you are recommending one way or the other, it would be very helpful.

### **City Attorney Comments**

**Michael Dutko** – I just have to say, from a legal perspective, that you are not obligated to. You can just say no and nothing else, you can always do that.

### **Board Comments**

**Jose Aguila** – I think generally speaking, we are happy to help them do their job.

**VIII. ADJOURN**

There being no further business to come before the Board, the meeting was adjourned at 8:24 P.M.

The undersigned is the Secretary of the Site Plan Review and Appearance Board and the information provided herein is the Minutes of the meeting of said body for January 27, 2016, which were formally adopted and approved by the Board on \_\_\_\_\_, 2016.

**Kelly Ann Simmons**

Kelly Ann Simmons

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.)*