

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

**MEETING DATE:** September 12, 2022

**MEETING PLACE:** City Commission Chambers

**1. CALL TO ORDER**

This meeting was called to order by William Bennett, Assistant City Attorney at 5:04 PM.

**2. ROLL CALL**

A quorum was present at call to order.

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

**Members Absent:** Gregory Snyder

**Staff Present:** William Bennett, Assistant City Attorney, Rebekah Dasari, Interim Principal Planner; Alexis Rosenberg, Senior Planner; Julian Gdaniec, Senior Planner; Andrew Allen, Planner and Diane Miller, Board Secretary.

**3. ELECTION OF OFFICERS**

William Bennett announced that the next item of the Agenda will be the Election of the Officers and announced the process of electing officers.

Motion made by Joy Howell to nominate Chris Davey as Chairman and seconded by Julen Blankenship.

**Motion Carried 6-0**

Motion made by Allen Zeller to nominate Joy Howell as Vice Chairman and seconded by Christina Morrison.

**Motion Carried 6-0**

Motion made by Chris Davey to nominate Julen Blankenship as 2<sup>nd</sup> Vice Chairman and seconded by Allen Zeller.

**Motion Carried 6-0**

**4. APPROVAL OF AGENDA**

Item 9.C has been moved to 9AA.

**Motion** to APPROVE the amended September 12, 2022, agenda by Joy Howell and seconded by Christina Morrison.

**MOTION CARRIED 6-0**

## 5. MINUTES

Motion to APPROVE the minutes of March 21, 2022, was made by Christina Morrison and seconded by Julen Blankenship.

**Motion Carried 6-0**

Motion to APPROVE the minutes of April 18, 2022, was made by Christina Morrison and seconded by Joy Howell.

**Motion Carried 6-0**

## 6. 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.

## 7. COMMENTS FROM THE PUBLIC

Jim Knight, 85 SE 4<sup>th</sup> Avenue. Mr. Knight spoke about the affordable housing crisis in Palm Beach County and the need for additional housing.

Peter Matrale, 2800 Hampton Circle East. Ms. Matrale was concerned about the increasing amount of traffic along Old Germantown Road and the detrimental impact of additional development to the area.

Jeanne Siccone, 2987 Needham Court. Ms. Siccone is a Board member of the Andover Homeowners Association and voiced concern regarding the increasing amount of traffic on Germantown Road. Ms. Siccone voiced concern regarding the Parks at Delray development.

Eric Godin, 2625 Windham Court. Mr. Godin voiced opposition of the proposed Delray Central project on Congress Avenue.

## 8. PRESENTATIONS

None

## 9. QUASI-JUDICIAL HEARING TERMS

**A. 210 SE 3rd Avenue (2022-058 and 2022-059):** Consideration of Ordinance No. 35-22 and 36-22, a privately initiated request to amend the Land Use Map from Low Density (LD) to Commercial Core (CC) and rezone the property from Single Family Residential (R-1-A) to Central Business District (CBD), with an associated amendment to the Land Development Regulations (LDR) Figure 4.4.13-7, Railroad Corridor Sub-district Regulating Plan, to add the subject property.

**Address:** 210 SE 3rd Avenue

**PCN:** 12-43-46-16-04-087-0160

**Applicant / Agent:** 206 Delray Beach LLC / Beth Schrantz and Bonnie Miskel, Esq., Dunay, Miskel, and Backman LLP; schrantz@dmblaw.com

**Planner:** Julian Gdaniec, Senior Planner; gdaniec@mydelraybeach.com

Julian Gdaniec, Senior Planner entered File No. 2022-058 and 2022-059 into the record.

**Applicant Presentation**

Bonnie Miskel, Dunay, Miskel, and Backman LLP; 14 SE 4th St #36, Boca Raton, FL 33432

**Staff Presentation**

Julian Gdaniec, Senior Planner presented the project from a Microsoft PowerPoint presentation.

**Experte**

Julen Blankenship- None

Joy Howell- Drove by the site and spoke with staff

Allen Zeller- Visited the site

Chris Davey- Drove past the site

Christina Morrison- Spoke with the property owner

Chris Brown- None

**Public Comment**

Ken Roth, 217 SE 3<sup>rd</sup> Avenue. Mr. Roth lives across from the subject property and stated that the area is a thriving single-family neighborhood and opposed the land use amendment and rezoning as it is not compatible with the existing single-family neighborhood.

**Rebuttal/Cross**

Bonnie Miskel clarified that she did not mention that the area needed to be revitalized and noted that residents and property owners in the area are supportive of the land use amendment and rezoning.

Tyler Knight, 325 NE 2<sup>nd</sup> Avenue. Mr. Knight noted that the Osceola residents have supported high intensity developments in the area historically and this request is not inconsistent with previous development approvals.

Julian Gdaniec added that NCD 2.7.5 provides directive to deny requests to change residential land use zoning designations to designations other than community facilities or open spaces land use designations or zoning districts unless the proposed changes implement a neighborhood redevelopment plan.

**Board Comments**

Christina Morrison requested clarification if SE 3<sup>rd</sup> Avenue was zoned R-1-A and is not located within the Railroad Corridor Subdistrict.

Joy Howell asked staff what land use designation would provide an adequate transition from the downtown core designation and the R-1-A zoning district.

Julen Blankenship asked the applicant for clarification of the term remanent that was

utilized in the applicant's presentation. Ms. Blankenship disagrees with the Applicants categorizing that the parcel in question is a remanent and noted that the requested land use amendment and rezoning amendment request is inconsistent with the City's Comprehensive Plan.

Chris Brown noted that the industrial properties located on SE 2<sup>nd</sup> Avenue have been blighted for decades. Mr. Brown suggested that a historic district be created to preserve the Osceola neighborhood.

Allen Zeller inquired about workforce housing if the parcel is developed as a residential use and noted that the transition from the current R-1-A zoning to the CBD zoning is a drastic change and would not be supportive of the proposed amendments.

Chris Davey noted that the Osceola Park neighborhood has changed drastically over the last decade and that the rezoning would be detrimental to the adjacent property owners.

**MOTION** to deny Ordinance No. 35-22, a privately initiated request to change the land use designation of the subject property located at 210 SE 3rd Avenue from Low Density (LD) to Commercial Core (CC) and rezone the subject property from Single Family Residential (R-1-A) to Central Business District (CBD), finding that the amendment and approval thereof is not consistent with the Always Delray Comprehensive Plan and does not meet the applicable criteria set forth in the Land Development Regulations was made by Joy Howell and seconded by Christina Morrison.

**MOTION CARRIED 5-1**

**DISSENTING** Chris Brown

**MOTION** to deny Ordinance No. 36-22, a privately initiated request to change the land use designation of the subject property located at 210 SE 3rd Avenue from Low Density (LD) to Commercial Core (CC) and rezone the subject property from Single Family Residential (R-1-A) to Central Business District (CBD), finding that the amendment and approval thereof is not consistent with the Always Delray Comprehensive Plan and does not meet the applicable criteria set forth in the Land Development Regulations was made by Joy Howell and seconded by Christina Morrison.

**MOTION CARRIED 6-0**

**B. 1155 South Congress Avenue - Alexan Delray, Rezoning (2022-112) and Master Development Plan (2022-111):** Provide a recommendation to the City Commission on Ordinance No. 32-22, a privately-initiated request to rezone a 6.74-acre property, located at 1155 South Congress Avenue, from Mixed Residential, Office, and Commercial (MROC) to Special Activities District (SAD), to adopt development standards associated with a Master Development Plan (MDP) for a 267-unit multi-family residential development, and to amend Land Development Regulations (LDR) Section 4.4.25(H) to add the development to the list of approved SADs. (PUBLIC HEARING)

**Address:** 1155 South Congress Avenue

**PCN:** 12-43-46-19-00-000-5037

**Authorized Agent:** Jeff A. Costello, AICP, FRA-RA, JC Planning Solutions, jcostello@jcplanningsolutions.com

**Planner:** Alexis Rosenberg, Senior Planner, rosenberga@mydelraybeach.com; Julian Gdaniec, Senior Planner, gdaniecj@mydelraybeach.com

Alexis Rosenberg, Senior Planner entered File No. 2022-111 and 2022-112 into the record.

### **Applicant Presentation**

Jeff A. Costello, JC Planning Solutions 981 Delray Lakes Drive Delray Beach FL 33444  
Jim Bertinelli, Maple Multi Family 3715 N Side Parkway Atlanta Georgia 30327

### **Staff Presentation**

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

### **Exparte**

Julen Blankenship- None

Joy Howell- Spoke with Jeff Costello and City Staff

Allen Zeller- Visited the site

Chris Davey- Texted Jeff Costello and spoke with City Staff

Christina Morrison- Spoke with Jeff Costello

Chris Brown- Spoke with Jeff Costello

### **Public Comment**

None

### **Rebuttal/Cross**

Jeff Costello noted that the MROC district mostly allows for commercial, retail and office use. Mr. Costello noted that if a commercial component was incorporated into the development, it would impact the affordability aspect of the project and require structure parking.

Julian Gdaniec noted that a commercial component can be added to this project as the parcel has adequate depth.

### **Board Comments**

Julen Blankenship stated that the SAD designation is more appropriate than the current MROC designation and requested clarification regarding the mobility elements and access to the adjacent commercial plazas.

Christina Morrison asked staff if there was an alternative means of providing a multifamily development without the need to rezone to the Special Activity District. Ms. Morrison was not concerned regarding the lack of a commercial component as there are existing adjacent commercial plazas.

Allen Zeller inquired about the payment into the City's workforce housing trust fund for the two offsite workforce housing units. Mr. Zeller was concerned about the lack of low and very low-income workforce housing being provided and asked staff if a waiver can be

provided to the commercial aspect required in the MROC zoning district.

Chris Brown was in support of the project and noted that the number of parking spaces provided was adequate.

Chris Davey opposed the granting of a favorable recommendation to the City Commission as the proposed master development plan did not adequately utilize the site and the setbacks against the railroad were problematic. Mr. Davey was concerned that Palm Beach County traffic prohibited traffic exiting southbound onto Congress Avenue.

**MOTION** to deny Ordinance No. 32-22, a privately-initiated request to rezone the subject property from Mixed Residential Office and Commercial (MROC) to Special Activities District (SAD), amend LDR Section 4.4.25(H), and approve the Master Development Plan, finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the applicable criteria set forth in the Land Development Regulations.

**MOTION FAILED 3-3**

**DISSENTING** Chris Brown, Julen Blankenship and Christina Morrison

**MOTION** to deny Ordinance No. 32-22, a privately-initiated request to rezone the subject property from Mixed Residential Office and Commercial (MROC) to Special Activities District (SAD), amend LDR Section 4.4.25(H), and approve the Master Development Plan, finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the applicable criteria set forth in the Land Development Regulations.

**MOTION CARRIED 4-2**

**DISSENTING** Chris Brown, Christina Morison

**Item 9C has been amended to item 9AA.**

**C. The Hamlet, Corrective Land Use Map Amendment (2022-217-LUMA):** Provide a recommendation to the City Commission on a City-initiated Land Use Map Amendment (LUMA) from Open Space (OS) to Low Density (LD) and Medium Density (MD) in correction of a data conversion error for 16 parcels totaling 22.42+/- acres located on Greensward Lane within The Hamlet and fully described in Ordinance No. 37-22 (PUBLIC HEARING)

**Address:** Multiple (See Attached Ordinance)

**PCN:** Multiple (See Attached Ordinance)

**Planner:** Andrew Allen, Planner; allena@mydelraybeach.com

Andrew Allen, Planner entered the File No. 2022-217 into the record.

**Applicant Presentation**

None

**Staff Presentation**

Andrew Allen, Planner presented the project from a Microsoft PowerPoint presentation.

**Exparte**

Julen Blankenship- None

Joy Howell- None  
Allen Zeller- Visited the site  
Chris Davey- None  
Christina Morrison- Spoke with Staff  
Chris Brown-None

**Public Comment**

None

**Rebuttal/Cross**

None

**Board Comments**

Christina Morrison requested clarification if this correction is required due to a scrivener's error.

Allen Zeller recommended the land use designation remain open space as he felt that it was consistent with the City's Comprehensive Plan.

**MOTION** to recommend approval to the City Commission of Ordinance No. 37-22, a City-initiated Land Use Map Amendment for the 15 parcels totaling 21.94+/- acres located within The Hamlet from Open Space (OS) to Low Density Residential (LD) and Medium Density Residential (MD) to correct a data conversion error, by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations was made by Julen Blankenship and seconded by Christina Morrison.

**MOTION CARRIED 6-0**

**10. LEGISLATIVE ITEMS**

**A. Fee Schedule for Tree Removal, Amendment to the Land Development Regulations (2022-251):** Provide a recommendation to the City Commission on Ordinance No. 34-22, a City-initiated amendment to Section 4.6.19(E), Vegetation removal permits of the Land Development Regulations (LDR) to remove the in-lieu fee schedule for the tree removal from the LDR and codify certain subsections to improve readability.

**Planner:** Jae Eun Kim, PLA, Landscape Planner; KimJ@mydelraybeach.com

Jae Eun Kim, Landscape Planner entered the File No. 2022-251 into the record.

**Staff Presentation**

Jae Eun Kim, Landscape Planner presented the project from a Microsoft PowerPoint presentation.

**Board Comments**

Allen Zeller was in favor of setting permit fees by means of a resolution but was concerned regarding the provisions within the ordinance as they granted too much authority to staff.

Mr. Zeller recommended that provisions be added that would set criteria and standards and oversight in regard to tree removal and calculation of mitigation fees.

Julen Blankenship suggested that this proposed amendment be incorporated when the tree ordinance is rewritten.

Joy Howell asked when the tree ordinance will be rewritten to further the goals of the comprehensive plan to include an increased tree canopy.

Chris Davey noted that the amendment would assist staff in amending the in-lieu fee schedule.

**MOTION** Move a recommendation of denial of Ordinance No. 34-22, finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the applicable criteria set forth in the Land Development Regulations was made by Julen Blankenship and seconded by Christina Morrison.

**MOTION CARRIED 5-1**

**DISSENTING** Chris Davey

## **11. REPORTS AND COMMENTS**

### **A. CITY STAFF**

The next Planning and Zoning Board meeting will be held on October 19<sup>th</sup> and the meetings that will be held in November and December will be held a week earlier than the regularly scheduled meeting dates due to the holidays.

On September 30<sup>th</sup> a Board training will be held for new members.

### **B. BOARD ATTORNEY**

William Bennett noted that there is a GIS map provided by the Office of Sustainability and Resilience to map the trees identified in Tree Canopy Analysis.

William Bennett welcomed Chris Brown to the Board.

### **C. BOARD MEMBERS**

None

## **11. ADJOURN**

There being no further business to come before the Board, the meeting was adjourned at 9:40 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 **September 12, 2022**, which were formally adopted and **APPROVED** by the Board on **November 14, 2022**.

**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.