

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

MEETING DATE: October 28, 2015

MEETING PLACE: City Commission Chambers

MEMBERS PRESENT: James Chard, Jim Knight, Roger Cope, Vlad Dumitrescu and Jose Aguila

MEMBERS ABSENT: Andrew Youngross and Brett Porak

STAFF PRESENT: Jennifer Buce, Associate Planner, Michael Dutko, Assistant City Attorney, Amy Alvarez, Senior Planner, Candi Jefferson, Senior Planner and Kelly Ann Simmons, Board Secretary

I. CALL TO ORDER

The meeting was called to order by Chair Jose Aguila at 6:02 P.M. Upon roll call it was determined that a quorum was present. Chair Jose Aguila read the Quasi-Judicial Rules for the City of Delray Beach and Mrs. Simmons swore in all who wished to give testimony on any agenda item.

II. ROLL CALL

III. APPROVE MINUTES

A motion to approve the Minutes from August 26, 2015 was made by Jim Knight and seconded by James Chard, with the following revisions:

Jim Knight – On page 2, Bob Danger should be changed to Bob Ganger. On page 6 under Board Comments, “The one think” should read “The one thing”.

MOTION CARRIED 5-0.

A motion to approve the Minutes from September 9, 2015 was made by Jim Knight and seconded by Roger Cope, as submitted.

MOTION CARRIED 5-0.

IV. APPROVAL/CHANGES TO THE AGENDA

Candi Jefferson notified the Board that Item IX. A was postponed at the Applicant’s request.

V. SWEARING IN OF THE PUBLIC

VI. COMMENTS FROM THE PUBLIC

Alice Finst, 707 Place Tavant, Delray Beach – What I am finding when I go out look at the projects on the agenda is that there are frequently no addresses on the buildings or properties and it's very difficult to extrapolate where you are going without the numbers clearly visible. I'm wondering if some direction could be given to rectify this issue.

Jose Aguila – *(Asked Staff to share this information with whomever is in charge of addressing issues.)*

VII. COLOR CHANGES

A. Wheels From the Heart – Architectural Elevation/Awning
360 NE 4th Street

Candi Jefferson, Senior Planner, presented the item to the Board.

Exparte Communication – None.

Applicant's Presentation

Don Day, Delray Awning – The new tenant would like to put up a black awning. The signage will come at a later time.

Public Comments – None.

Board Comments

James Chard – None.

Jim Knight – None.

Roger Cope – None.

Vlad Dumitrescu – Which side is out, the shiny or the matte?

Don Day, Delray Awning – The matte side.

Motion to Approve was made by Roger Cope and seconded by Jim Knight.

MOTION CARRIED 5-0.

B. Arbors – Architectural Elevation/Color Change
1615 & 1625 South Congress Avenue

Candi Jefferson, Senior Planner, presented the item to the Board.

Exparte Communication – Jim Chard told the Board he spoke with Mark Corlew. He had called about the process to get approvals.

Applicant's Presentation

Paul Fennimore, Senior Facilities Manager, Grover Corlew – We purchased the property seven months ago and we just want to clean the place up.

Public Comments – None.

Board Comments

Vlad Dumitrescu – None.

Roger Cope – It's a huge improvement.

James Chard – What was the idea behind the color change, particularly the "*porpoise*" color?

Paul Fennimore – We did this to another property and it provided a nice contrast.

Jose Aguila – I think it is a great improvement. I have no comments.

Motion to Approve was made by James Chard and seconded by Roger Cope.

MOTION CARRIED 5-0.

VIII. SIGNS

A. 249 Plaza Delray – Establish a Blanket Sign Program
247 SE 6th Avenue

Jennifer Buce, Associate Planner, presented the item through a review of the staff report and entered file # 2016-14 into the record.

Exparte Communication – None.

Applicant's Presentation

Mark Gregory, MG Concepts – Jennifer Buce has done a great job representing the program. We agree with what staff is saying and we don't have a problem with the 12" letters. Though, because of the mass of the wall (which is about six feet tall, four inches) it is going to make it look very crowded, so we would like to have 6 or 8 inches spacing between them to give a little more breathing room between the two lines of copy.

Public Comments – None.

Board Comments

James Chard – Do the panels encroach on the 10 foot setback?

Mark Gregory – No.

Jim Knight – None.

Roger Cope – None.

Jose Aguila – I think it's a decent Sign Program. It's very proportional.

Motion to approve the Blanket Sign Program was made by James Chard and seconded by Jim Knight, with the following conditions:

- Two lines of copy be reduced to 12" inches tall
- Space minimum of 4", but adjustable to accommodate a 32" logo
- Logo not exceed 32"

MOTION CARRIED 5-0.

B. Tropic Square – Amend the Master Sign Program
1911 South Federal Hwy.

Jennifer Buce, Associate Planner, presented the item through a review of the staff report and entered file # 2016-13 into the record.

Exparte Communication – None.

Applicant's Presentation

Mark Gregory, MG Concepts – This was an existing sign that was damaged in a car accident. The property was in transition because ownership was changing.

Joe Carosella, Owner, Delray South – Most of our tenants have vacated the center. A few of the new tenants aren't doing very well, because they don't have any signage. We have legal letters from some of the tenants that the sign should be up and that we need to proceed forward to get it back up.

Public Comments – None.

Rebuttal

Jennifer Buce – I just wanted to correct Mark because nothing has been submitted since 2013 as far as the Site Plan goes.

Roger Cope – I feel like we need to support staff on this.

Jim Knight – I agree.

Vlad Dumitrescu – I agree with the other members.

James Chard – I have the same thoughts.

Jose Aguila – I’m okay with postponing this, as opposed to denying it.

Motion to continue with direction the Blanket Sign Program was made by Jim Knight and seconded by James Chard.

MOTION CARRIED 5-0.

IX. PRESENTATIONS

A. LDR Text Amendment – *(Item was postponed to a future meeting at the applicant’s request.)*

(Jim Knight notified the board he was stepping down on the next item as Tyler Knight was the leasing agent for the property.)

X. MISCELLANEOUS

A. Sober Living Outpatient – Class III/Change of Use
830 and 836 SE 5th Avenue

Amy Alvarez, Senior Planner, presented the items through a review of the staff report and entered item 2015-242 into the record. She notated a new copy of the report was being distributed to correct a typo on the square footage in the original report.

Exparte Communication – James Chard mentioned he has received a number of calls from the nearby homeowner’s association. Jose Aguila said he had received an email from resident Lisa Quillian, which he submitted for the record, but said he did not respond to it.

Applicants’ Presentation

George Jahn, Co-Founder of Sober Living Delray has been operating in Delray for over two decades. We have been a good neighbor during that time. We’ve worked with the City, Mayor Glickstein and the Commission with regards to trying to bring up the quality of other facilities in our neighborhood. We’ve tried to be a leader in the industry.

Michael Weiner, Weiner, Lynne & Thompson – The approval is for a Class III Site Plan Modification, so the only finding that must be made is that the proposed changes do not significantly affect the originally approved plans. All concurrency requirements are met. The law is very clear. If the standards are met, the plans must be approved.

Public Comments

Gail Lee McDermott, 721 SE 3rd Avenue– Change of zoning from Professional Office to Medical for just this one business is just the tip of the iceberg. It’s an expansion and sets a dangerous precedent. We do not know the impact this change will have on our

residential neighborhood, both in traffic and population. Unless I am mistaken, the vision of the City is for more professional offices. That vision has been sideswiped by new medical zoning changes along Federal Highway. Federal Highway should remain the domain of professional offices. The rare “urgi-med” center is one thing. New medical zoning is not acceptable. Delray Beach has a medical-zoned area that is sufficient to meet the needs of its citizens.

Lisa Quillian, 925 SE 2nd Avenue – I am representing more than 10 people in the neighborhood. We only received any kind of notice to our neighborhood association back on the 21st. We are a working-class neighborhood. The neighborhood is only about three streets by eight streets, so the map here shows the surrounding commercial district.

(Ms. Quillian distributed her own marked maps to the Board, with other medical uses notated and also submitted a copy for the record.)

Gary Wolf – I live in the house directly behind the drug rehab circus. I’ve been in the neighborhood for about 20 years too and my sanity is hanging by a thread. So you guys want to stuff it down my throat? I view this as an attack. I view it as an attack when the Delray lawyers come in here and lie to me. I view it as an attack when the majority loses. This guy is just taking over the damn neighborhood.

Michelle Graziano, 605 SE 4th Avenue – Osceola Park doesn’t need more medical use. On the point of waste and noise, my concern is the medical waste. If you zone this medical, residents have to deal with these red cans that sit out, with children in the neighborhood who don’t know what these red cans are, and they get in trouble with that. It has occurred and it is an issue.

Don Thorpe – I live directly across the street. There are way more than 25 people that visit that place every day. There are needles that I find from the people that relapse, all over the place. I call the Police Department and they’ve come out and also sent the Fire Department out to pick-up syringes. I’ve been here 60 years. My father was a veterinarian here. There are two buildings here on the south side. One was occupied by State Farm Insurance agent Marion Fazio. He moved out because he couldn’t stand what was going on next door. It is atrocious. I’ve known George (Jahn) since he rolled into town. I have no disregard for him. But that place is no good!

Gayle Caughey, 613 SE 4th Avenue – We are saturated by rehabbers. When they fall off the wagon, they are in the back alleys smoking crack and they break into our cars. Regarding that specific building, I have seen people lying out in the grass with their backpacks, waiting for the meeting. This is a residential neighborhood and we are trying to make it a better place to live. This type of medical office is not going to enhance our neighborhood and I am against it.

Applicant Rebuttal

Michael Weiner – With respect to what the citizens had to say, we understand the nature of the situation. It’s funny they say there is so much in the area already, and yet the

values of Osceola Park have gone up in spite of the fact that they say it's already there and already all over the streets. If that is the case, obviously the stability of the neighborhood hasn't been affected by things that are much larger than us. It certainly isn't going to be affected by two houses that are going to be used for counseling, not a sober house and not medical. In fact, we do not have the red garbage cans they talked about. There is no medical waste. This is for counseling. This is merely a change in use. We meet all of the required standards. We know what the case law is. I'm not trying to make my case again. I just ask you to read your own instructions at the beginning of this meeting. They probably make the best case for this particular application.

Board Comments

Jose Aguila – Let me say something first about this. A statement was made that this is a legislative issue about whether this should or should not be allowed, and that statement is correct. The people who are tasked with this happening are the City Commission, not this advisory, volunteer board. We are here for other purposes, so even if we wanted to say "no" based on whether we agree with you, we can't do that. It's just not within our purview. We are restricted to discussing whether the change of use is appropriate or not. That is the full extent of what we are allowed to talk about tonight. You have other abilities. You can appeal this at the City Commission. That is the right place for that.

James Chard – I heard that the CRA approved this, but this is not a CRA area. How is that relevant?

Amy Alvarez – The property is in the CRA district. They did recommend approval. There was a general consensus. There was one member of the board who did have concerns given the business and recovery aspect of it, but it is under the envelope of a medical office.

Roger Cope – There is not much architecture to review unfortunately. There is only one simple question to staff: Are there any non-compliant issues that exist?

Amy Alvarez – No, we even had the Landscape Planner go out and look at it and he didn't have anything to add. They are not adding square footage.

Roger Cope – I reviewed the setbacks and the applicant stated the correct relationship and proportions, and unfortunately the gentleman from the public, did not. I just wanted to point that out.

Jose Aguila – Everything is indoors, correct? Nothing is going to happen outdoors on a regular basis? You are not going to put up a tent and outside picnic bench, right?

Michael Weiner – Yes. *(Nodding.)*

Motion to approve the Class III Site Plan Modification by Roger Cope and seconded by Vlad Dumitrescu.

MOTION CARRIED 3-1, James Chard dissenting.

(Jim Knight rejoined the meeting at 7:42 p.m.)

XI. PROJECT PLANS

A. Retail Building – Class V Site Plan, Landscape Plan and Architectural Elevations
600 SE 5th Avenue

Candi Jefferson, Senior Planner, presented the items through a review of the staff report and entered item 2015-133 into the record.

Exparte Communication

Jim Knight – I briefly spoke to Lisa Quillian and Les Stevens, but have nothing to discuss.

James Chard – I also spoke with the neighborhood.

Applicants' Presentation

Michael Kravit, Architect – I'm happy to answer any questions.

Les Stevens, Counsel for the Applicant – To create another entranceway that would require a loading zone for deliveries would just add to the traffic and add to the risk of accidents occurring through there. We feel that the one loading zone that does exist in its present location sufficiently services, without any inhibition to traffic flow, disturbance to people or neighbors in the back. It also allows us to maintain the separation between the commercial and the residential. I will confirm that we have agreed to the dedication of the four feet, as required. It is currently a 16 feet alleyway, and we've approving the format of the dedication which would take place at the appropriate time.

Public Comments

Lisa Quillian, 925 SE 2nd Avenue, Delray Beach – Osceola Park is all about improving alleys. We are inventors of "art in the alley." This is what we do; we go and make sure they are clean and safe. This alley, in particular, has no trash or crime issues that we are concerned about. That is generally why we have asked the City to help us pave or clear alleys. We think it would be more compliant with the neighborhood to keep the commercial business from using it at all. This wall that has a buffer of the landscaping and then the buffer of the alley would be more respectful of our neighborhood than to have them use that as a loading zone. We hope you see it in that perspective.

Gail Lee McDermott, 721 SE 3rd Avenue – My greatest concern is the alley. This project does back up to residents' homes. Many of those use the alley to bring their cars to the property to park. I'm still concerned there would be commercial trucks delivering and using the alley as an entrance to the project. There should be no commercial traffic in the alley for the residents' safety. There is a separating retaining wall shown and we understand the City prefers that it be covered in plant growth. This is Osceola Park. We prefer art in our alleys. That wall is perfect for a mural or murals. If there must be plant growth to cover the wall, let us separate various murals. I'm sure we locals could get professional muralists who would give the area the flavor of Osceola Park. Regarding lighting, I understand that there is sufficient lighting, but Osceola Park urges its residents

to light up their alleys for security. Many of us do that. I do that for my own house and had FPL add an additional light, quite high up, and it lights up half of the alley. If that were a possibility, I think we would like to see that. I've been concerned about the three entrances, so if there are only two entrances into the property, that alleviates the traffic. I have a little concern about the bus waiting station to the north. I want to make sure that there is enough length for a bus to stop and not contribute to traffic any further. One last thing: retail is good and we like that. The only thing we could be concerned about is the possibility of a vapor store, which is way in the future and we hope to never see that! That would not make anyone happy in Osceola Park.

Gayle Caughey, 613 SE 4th Avenue, Delray Beach – When I saw the pictures the developers proposed, I'm actually very excited and supportive as they've presented it. However, if there was to be any access from the alley, I would strongly oppose it because as both people before me stated, we utilize the alley to come in and out of our property, we walk and ride bicycles. It does create a bit of a buffer. Trucks traveling through the alley would definitely affect my peace and quiet.

Kevin Homer, Osceola Park Resident – I'm concerned with something we haven't heard about tonight, and that is parking. Architecturally speaking, I think it looks similar to what we see in West Boca and I'm not impressed.

Staff Rebuttal

Candi Jefferson – I would just like to clarify the issue regarding our request for the loading area. It's been mentioned several times that we are requiring them to provide loading access off the alley. We are not. I repeat, we are *not* requiring them to provide loading access off the alley. What was not mentioned was that DSMG reviewed this more than once, and their initial recommendation was for them to access off the alley and to have the dumpsters also accessed off the alley, as well as upgrade the alley. Because they are not taking access off the alley and they have designed it as such, there is nothing in the code that requires them to access the alley. Therefore, they retracted that original DSMG recommendation and they said "ok, we are not going to require you to load off the alley." What staff is simply requesting is that the loading spaces are both built internal to the site. We do like the six foot wall. We do like the buffering. In fact, I heard something tonight that I also liked. I like the idea of painting wall murals or artwork on the wall as opposed to the landscaping. I think that is an excellent idea and I support that. All that we ask is that there be some design reconsideration in the center and even if there is a concern of access to the customers, there could be a break in the parking row, provision of a nine foot landscape island and still not affect the parking, which has a nine parking spot surplus. I'm just saying a little more insight into the design. That's all I'm asking. I'm not asking for any access off of the alley at all. It's done. Now, I just wanted to comment on a few other things. They are not required to light the alley. The only requirement is that they light their property and not have more spillage than .25 foot candles around the perimeter of the property. Obviously, the alley expands far beyond the perimeter of the property and it would be cost prohibitive for them to provide lighting to the alley. It is the City's responsibility to light the alley. So that may be something to bring up to our City Engineering Department. Also, the seven spaces as

indicated in the staff report, while they are not allowed to be taken credit for, it is very highly probable that they will be utilized by the site. Thus, is it available to them and their customers. I doubt very seriously it is not going to be utilized.

Board Comments

Jim Knight – It seems like we are “over-medicalized” in this neighborhood. This property is zoned General Commercial, so if they came in and decided they wanted a complete medical facility of 11,500 square feet, could they have that here?

Candi Jefferson – No, they could not because medical offices require a higher parking rate at 5 per 1,000 square feet. They have designed this at the retail parking rate, so they would have to come in for a completely different proposal and approval. However, if one tenant bay was interested in converting from a retail to a medical office, they would probably be able to accommodate that with the current configuration because there are excess parking spaces on the site. It would have to be processed as a change of use with respect to the Site Plan.

Jim Knight – It mentions two bike racks. Do we know how many bikes actually fit in each of these bike racks?

Candi Jefferson – We do have a bicycle rack detail provided on the Site Plan. It looks like a maximum of two per rack. I might add, they are only required to have one, but they did voluntarily provide two.

James Chard – There are a lot of Palms, but no shade trees. Is there some reason we don't have any canopy trees along there? I'm surprised Peter approved this.

Michael Kravit – In all honesty, the landscape architect worked with the City landscape people and they added diversity to the plantings and this was the outcome that was agreed to. I can't answer the question any more than that.

James Chard – Is there any reason that we can't reconsider that?

Candi Jefferson – No, there is no reason. You have the authority to make a recommendation with the Board's support to change the species.

Vlad Dumitrescu – Is the wall in the back a solid, stucco wall?

Michael Kravit – It's a CMU wall with stucco on it. Then there is a landscape buffer planted up against it.

Vlad Dumitrescu – Is there a cap?

Michael Kravit – We can certainly put a cap on it, yes. Right now I think it's just a stucco wall.

Vlad Dumitrescu – Can you consider adding a break to it or some elements to break it up? It's very long.

Michael Kravit – We would consider adding brick pilasters. We would also be happy to consider working soldier coursing into the brick pattern. I have no objection to that.

Roger Cope – Architecturally, it is a very safe and conservative design. I commend you for using real brick. I don't have any negative comments at all.

Jose Aguila – I have some brief thoughts regarding loading in the center, I think where it is showing on the plan is perfectly appropriate for this size of a center. I think that the wall is a good idea. I think for the sake of this project, you ought to finish, paint it and stucco it to get your CO. From then on, I'd love it if you work with the neighbors and facilitate it for them.

Motion to approve the Class V Site Plan Modification by Jim Knight and seconded by Roger Cope, with the following conditions;

- Conditions 1, 2, 3, 4 and 6, as stated
- Modified to delete #5

MOTION CARRIED 5-0.

Motion to approve Landscape Plan by Jim Knight and seconded by Roger Cope, with the following conditions:

- Condition 1 and 2 as stated in the staff report
- Add a Condition 3 that the Applicant will meet with staff to modify the current plan with more shade trees
- Add a Condition 4 that the Applicant will sit with staff to preserve trees, if possible

MOTION CARRIED 5-0.

Motion to approve Architectural Elevations by Jim Knight and seconded by Vlad Dumitrescu, with the following conditions:

- Conditions 1 and 2 as stated in the staff report
- Add a Condition 3 that the Applicant work with the neighbors on the mural opportunities and pilasters/architectural features on the west wall.

MOTION CARRIED 5-0.

XII. REPORTS AND COMMENTS

Candi Jefferson – We have three Class V projects for the next meeting, one of which is Uptown Atlantic, one is Providence Living and the third one is Tropic Cay.

XIII. ADJOURN

There being no further business to come before the Board, the meeting was adjourned at 9:02 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 October 28, 2015 which were formally adopted and approved by the Board on December 9, 2015.

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.)