

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

MEETING DATE: April 18, 2022

MEETING PLACE: City Commission Chambers

1. CALL TO ORDER

This meeting was called to order by Chris Davey, Chairman at 5:04PM.

2. ROLL CALL

A quorum was present at call to order.

Members Present: Chris Davey, Chairman; Julen Blankenship, Vice Chairman; Joy Howell, 2nd Vice Chairman; Allen Zeller; Max Weinberg and Rob Long.

Absent Christina Morrison

Staff Present were William Bennett, Assistant City Attorney; Amy Alvarez, Principal Planner; Elizabeth Eassa, Senior Planner; Andrew Allen, Planner; and Diane Miller, Board Secretary.

3. APPROVAL OF AGENDA

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

MOTION CARRIED 6-0

4. MINUTES

Motion to APPROVE the August 16, 2021, minutes by Julen Blankenship and seconded by Max Weinberg.

MOTION CARRIED 6-0

5. SWEARING IN OF THE PUBLIC

Chris Davey, Chair, read the Quasi-Judicial Rules for the City of Delray Beach and Diane Miller the Board Secretary swore in all who wished to give testimony.

6. COMMENTS FROM THE PUBLIC

None

7. PRESENTATIONS

None

8. QUASI-JUDICIAL HEARING TERMS

A. Barkingham Palace (2022-108): Provide a recommendation to the City Commission regarding a Conditional Use request to allow a Domestic Animal Services facility offering Pet Services including day care and pet grooming, and a Pet Hotel for Barkingham Palace located at 1551 North Federal Highway. (PUBLIC HEARING)

Address: 1551 North Federal Highway

Agent: Matthew Scott/Dunay Miskel & Backman, LLP; mscott@dmbblaw.com

Planner: Jennifer Buce; buce@mydelraybeach.com

Jennifer Buce, Planner; entered the file into the record.

Applicant Presentation

Matthew Scott, Dunay Miskel & Backman 14 SE 4th St #36, Boca Raton, FL 33432

Staff Presentation

Jennifer Buce, Planner presented the project from a Microsoft PowerPoint presentation.

Experte

Julen Blankenship- Drove by

Joy Howell- Spoke with the Applicant and City staff

Allen Zeller- Spoke with the Applicant and utilized services in the past

Max Weinberg- Drove by

Chris Davey- Spoke with the Applicant and utilized services in the past

Rob Long- Spoke with the Applicant

Public Comment

None

Rebuttal

Matthew Scott indicated that grooming of animals does not occur on the weekends.

Board Comments

Max Weinberg asked the applicant regarding the floorplan of the establishment and the number of dogs that are typically boarded overnight. Mr. Weinberg indicated that that the business is providing a need service and has not heard noise emanating from the building. It was noted that the Land Development Regulations require noise mitigation and not the elimination of noise to prevent deleterious effect to adjacent properties.

Chris Davey noted that overnight boarding has been offered at this location for excess of 15 years without any noise complaints. Chris Davey was supportive recommending approval of the conditional use request.

Rob Long is supportive of granting a recommendation to the City Commission regarding a Conditional Use as the business has been operating for over a decade without receiving any noise complaints.

Julen Blankenship inquired about the outside use that was being utilized by the applicant, it was noted that any outside improvements were to be removed and all commercial activity would be conducted within an enclosed structure.

Allen Zeller noted that he never heard barking outside the structure when frequenting the business.

MOTION to move to recommend approval to the City Commission regarding a Conditional Use request to allow a Domestic Animal Services facility offering Pet Services including day care and pet grooming, and a Pet Hotel for Barkingham Palace located at 1551 North Federal Highway, finding that the request is consistent with the Land Development Regulations and the Comprehensive Plan was made by Julen Blankenship and seconded by Max Weinberg.

MOTION CARRIED 6-0

B. Lake Ida Road Corrective Land Use Amendment (2022-121-LUM): Provide a recommendation to the City Commission on Ordinance No. 13-22, a City-initiated Land Use Map Amendment (LUMA) from Community Facilities (CF) to Low Density (LD) land use to correct a data conversion error on seven parcels totaling 1.38 acres, currently addressed as 620, 704, 706, and 710 Lake Ida Road, and 655, 701, and 709 NW 4th Street. (PUBLIC HEARING)

Location: 620, 704, 706, and 710 Lake Ida Road, and 655, 701, and 709 NW 4th Street.

Planner: Rebekah Dasari, Senior Planner; dasarir@mydelraybeach.com

Rebekah Dasari, Senior Planner; entered the file into the record.

Staff Presentation

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

Exparte

Julen Blankenship- None

Joy Howell- None

Allen Zeller- Drive by

Max Weinberg- None

Chris Davey- None

Rob Long- None

Public Comment

Derek Peacock 655 NW 4th Street. Mr. Peacock was unsure as to what the purpose of the Land Use Map Amendment.

Rebuttal

None

Board Comments

Max Weinberg requested clarification as how many parcels were associated with the conversion error.

Rob Long noted that the item presented before the Board was housekeeping to correct an error.

MOTION to recommend approval to the City Commission of Ordinance No. 13-22, a City-initiated Land Use Map Amendment (LUMA) from Community Facilities (CF) to Low Density (LD) land use to correct a data conversion error on seven parcels totaling 1.38 acres currently addressed as 620, 704, 706, and 710 Lake Ida Road, and 655, 701, and 709 NW 4th Street from Community Facilities (CF) to Low Density (LD), 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 Allen Zeller and seconded by Max Weinberg.

MOTION CARRIED 6-0

C. 620 Lake Ida Road, Rezoning (2022-077): Provide a recommendation to the City Commission on Ordinance No. 09-22, a privately initiated rezoning request from Single Family Residential (R-1-A) to Community Facilities (CF) for the +/-0.1833-acre property located on the south side of Lake Ida Road between NW 8th Avenue and NW 4th Street (620 Lake Ida Road). (PUBLIC HEARING)

Agent: David W. Schmidt, of Simon and Schmidt, PA; David@simonandschmidt.com

Planner: Jennifer Buce; buce@mydelraybeach

Jennifer Buce, Planner entered the file into the record.

Applicant Presentation

David Schmidt, Simon and Schmidt 766 SE 5th Avenue, Delray Beach FL 33483

Staff Presentation

Jennifer Buce, Planner presented the project from a Microsoft PowerPoint presentation.

Exparte Communication

Julen Blankenship- None

Joy Howell- None

Allen Zeller- Drive by

Max Weinberg- None

Chris Davey- None

Rob Long- None

Public Comment

None

Rebuttal

None

Board Comments

Chris Davey was supportive of the change as this rezoning request will allow the achievement center to expand.

MOTION to move a recommendation of approval of Ordinance No. 09-22, a privately initiated request to rezone the property located at 620 Lake Ida Road from Single Family Residential (R-1-A) to Community Facilities (CF), finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations was made by Joy Howell and seconded by Julen Blankenship.

MOTION CARRIED 6-0

D. 716 North Lake Avenue, Corrective Land Use Amendment (2022-120-LUM):

Provide a recommendation to the City Commission on Ordinance No. 14-22, a City-initiated Land Use Map Amendment (LUMA) for the property located at 716 North Lake Avenue from Medium Density Residential (MD) to General Commercial (GC) to correct a data conversion error. (PUBLIC HEARING)

Location: 716 North Lake Avenue

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

Andrew Allen, Planner entered the file into the record.

Applicant Presentation

None

Staff Presentation

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

Experte Communication

Julen Blankenship- None

Joy Howell- None

Allen Zeller- None

Max Weinberg- None

Chris Davey- None

Rob Long- None

Public Comment

None

Rebuttal

None

Board Comments

None

MOTION to recommend approval to the City Commission on Ordinance No. 14-22, a City-initiated Land Use Map Amendment for the property located at 716 North Lake Avenue from Medium Density Residential (MD) to General Commercial (GC) 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 Allen Zeller and seconded by Joy Howell.

MOTION CARRIED 6-0

E. Delray Central Master Development Plan (2021-138-MDP): Consideration of a Master Development Plan (MDP) for Delray Central, located at 1615 & 1625 South Congress Avenue, associated with the addition of an eight-story building containing 1,095 square feet of general commercial use and 271 residential units including a parking structure and amenities.

Address: 1615 and 1625 South Congress Avenue

Agent: Bonnie Miskel, Esquire, bmiskel@dmblaw.com

Planner: Elizabeth Eassa, AICP, Senior Planner; eassae@mydelraybeach.com

Elizabeth Eassa, Senior Planner entered the file into the record.

Applicant Presentation

Christina Bilenki, Dunay Miskel & Backman 14 SE 4th St #36, Boca Raton, FL 33432

Staff Presentation

Elizabeth Eassa, Senior Planner presented the project from a Microsoft PowerPoint presentation.

Exparte Communication

Julen Blankenship- Drove by

Joy Howell- None

Allen Zeller- None

Max Weinberg- None

Chris Davey- Received letter from a resident

Rob Long- Drove by and received letter from a resident

Public Comment

George Long 46 N Swinton Avenue. Mr. Long was in support of the project as the project appears to be reasonable.

Alice Finst 707 Place Tavant. Ms. Finst stated that the parking is too far away from the building.

Rebuttal

None

Board Comments

Joy Howell asked the applicant if decreasing the number of parking spaces and increasing the amount of landscaping was considered, the applicant noted that

contractual obligations with the current office tenants precludes the elimination of parking spots. Ms. Howell inquired if lower income workforce housing is being provided and recommended that City staff review if incentives can be offered to increase the amount of lower income workforce housing within a given project.

Allen Zeller was concerned regarding the waiver for the open space requirement as the staff report indicated that reducing parking spots may preclude the need for the waiver. Mr. Zeller was concerned that low-income housing was not provided.

Chris Davey noted that the Land Development Regulations only require a minimum of 20 percent of the provided units be workforce housing, the code does not require low-income work force housing be provided in the MROC zoning district. Mr. Davey was not supportive of the proposed project as the proposed 90-foot building is “shoehorned” in between two office buildings setback 150 feet from Congress Avenue. Mr. Davey noted that the proposed project is requesting numerous waivers that would contravene the Congress Avenue taskforce recommendations.

Max Weinberg inquired about the traffic control measures controlling northbound and southbound traffic along Congress Avenue. Mr. Weinberg voiced concerned that the additional traffic generated by the proposed project would result in excessive traffic along Germantown Road.

Rob Long encouraged the applicant to provide additional green space by removing some of the proposed parking spaces with a focus on the area fronting Linton Boulevard.

Julen Blankenship was supportive of the proposed project as additional housing units in the City are required, additionally the proposed building would be a visual improvement to the existing parking area. Ms. Blankenship was not concerned with additional traffic that would be generated along Germantown Road.

MOTION to continue With Direction was made by and seconded by Julen Blankenship Joy Howell.

MOTION CARRIED 5-1

DISSENTING Allen Zeller

9. LEGISLATIVE ITEMS

A. Addressing and Street Naming LDR Amendment (2022-145): Provide a recommendation to the City Commission on Ordinance No. 18-22, a City-initiated amendment to the Land Development Regulations (LDR), amending Section 2.2.2(E), “Duties, Powers, and Responsibilities” of the Planning and Zoning Board, Section 5.3.1(D), “Street Names,” Section 6.1.12, “Street signs, furniture, and landscaping,” and Section 7.1.5, “Numbering of Building and Structures”.

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

Amy Alvarez, AICP, Principal Planner entered the file into the record.

Staff Presentation

Amy Alvarez, AICP, Principal Planner presented the project from a Microsoft PowerPoint presentation.

Board Comments

Allen Zeller inquired if this amendment would require commercial establishments to post the address on the façade of the structure.

Max Weinberg asked if an address requirement is imposed by the Post Office or by emergency services.

MOTION Recommend approval to the City Commission of Ordinance No.18-22, a City-initiated amendment to the Land Development Regulations (LDR), amending Section 2.2.2(E), "Duties, Powers, and Responsibilities" of the Planning and Zoning Board, Section 5.3.1(D), "Street Names," Section 6.1.12, "Street signs, furniture, and landscaping," and Section 7.1.5, "Numbering of Building and Structures", 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 Rob Long and seconded by Joy Howell.

MOTION CARRIED 6-0

10. REPORTS AND COMMENTS

A. City Staff

- Next Planning and Zoning Board meetings will be held on May 16th and June 20th
- The September meeting will be rescheduled, due to a conflict with City Commission; it will be held on either the 12th or 20th.
- Staff is looking at hiring a consultant to review the MROC requirements

B. Board Attorney

- Mr. Bennet indicated that he provides guidance to the Board in order to assist the Board in making a determination and not to persuade the members of the Board in any direction.
- When disclosing Ex parte communication, the nature of the communication should be mentioned.

C. Board Member

Max Weinberg advocated for creating a zoning district that would allow for a pocket neighborhood.

11. ADJOURN

There being no further business to come before the Board, the meeting was adjourned at 9:00 pm.

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

ATTEST:

Chair

Board Clerk

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.