

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

MEETING DATE: September 20, 2021

MEETING PLACE: Commission Chambers

1. CALL TO ORDER

The Planning and Zoning Board meeting was called to order by William Bennett, Assistant City Attorney at 5:12 P.M.

2. ROLL CALL

A quorum was present at call to order.

Members Present: Chris Davey, Julen Blankenship, Allen Zeller, Joy Howell, Rob Long, Max Weinberg and Christina Morrison.

Members Absent: None

Staff Present: William Bennett, Assistant City Attorney; Amy Alvarez, Principal Planner; Rebekah Dasari, Senior Planner; Hassan Hadjimiry, Utilities Director; and Diane Miller, Board Secretary.

3. APPROVAL OF AGENDA

Motion to approve the September 20, 2021, agenda made by Christina Morrison and seconded by Joy Howell.

MOTION CARRIED 7-0

4. ELECTION OF OFFICERS

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

Motion made by Joy Howell and seconded by Rob Long to nominate Chris Davey as Chairman.

Motion made by Christina Morrison and seconded by Julen Blankenship to nominate Rob Long as Chairman.

Motion carried 4 votes for Chris Davey and 3 votes for Rob Long.

Chris Davey was selected as Board Chair.

Motion made by Chris Davey and seconded by Allen Zeller to nominate Max Weinberg as Vice Chair.

Motion made by Christina Morrison and seconded by Rob Long to nominate Julen Blankenship as Vice Chair.

Max Weinberg spoke and removed himself from the nomination.

Motion carried 7-0 votes for Julen Blankenship.

Julen Blankenship was selected as Vice Chair.

Motion made by Chris Davey and seconded by Max Weinberg to nominate Joy Howell for 2nd Vice Chair.

Motion carried 7-0 for Joy Howell

Joy Howell was selected as 2nd Vice Chair.

4. MINUTES

None

5. SWEARING IN OF THE PUBLIC

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

6. COMMENTS FROM THE PUBLIC

None

7. PRESENTATION

None

8. QUASI-JUDICIAL HEARING ITEMS

A. 170 Sherwood Forest Drive, Land Use Map Amendment (2021-052) and

Rezoning: Provide a recommendation to the City Commission on Ordinance Nos. 31-21 and 32-21, a privately initiated request associated with the redevelopment of the 37.31 acre Sherwood Golf Course located at 170 Sherwood Forest Drive, by amending the Land Use Map designation from Open Space (OS) to Low Density (LD), rezoning the property from Open Space Recreation (OSR) to Planned Residential Development (PRD), and amending the Sherwood Forest Master Development Plan (MDP) to accommodate the proposed 79-unit single-family home development with waivers from the requirements in Section 4.3.4(H)(3)(a) and Section 4.3.4(K) to reduce the minimum building separation requirement for zero lot line developments from 15 feet to 10 feet. (PUBLIC HEARING)

Authorized Agent: Wendy Tuma and Sandra Megrue, Urban Design Studio; wtuma@udsflorida.com and smegrue@udsflorida.com

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

Rebekah Dasari, Senior Planner, entered the File No. 2021-052 into the record.

Exparte Communication

Christina Morrison-Knows the applicant.
All other board members had no exparte.

Applicant Presentation

Sandra Megrue, Urban Design Studio

Staff Presentation

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

Public Comments

Brian Malloney-44 Regal Court-Moved to Delray Beach and feels like the traffic in Delray Beach is becoming very crowded and compares it to Ft. Lauderdale.

Marshall Konas-4725 Sherwood Forest Drive-Main concern is the presentation made to existing homeowners on behalf of Pulte and the golf course owner; details were left out. Main selling point is that the community voted on behalf of this project and the golf course closed and no one was aware that it was struggling.

Hillary Doloboff-Legacy-4414 Regal Court-Feels there is a traffic problem and asks the board to deny the request. I oppose the Master Development Plan. The only reason that there are not more residences here tonight because they have heard the Pulte is negotiating with Legacy HOA to help repave our streets and repair our roofs to mediate the damage that the community will incur after 2-3 years if construction.

Michael Pluznick-4725 Sherwood Forest Drive, President of the Sherwood Forest HOA- There was a dedication restricting the golf course to that use, and no other development can be approved without the Sherwood Forest HOA approval. The golf course was closed in 2018 without notice and it became a vacant lot.

Carol Morton-Legacy-4419 Regal Court-Member of the HOA board. The president was unable to attend tonight The HOA is still coming to an agreement with Pulte about paving, roofs and signage, but supports the request.

Rebuttal/Cross

Ken Tuma, Owner of Urban Design Studio-Pulte does not want to provide a Master HOA to govern the MDP because Master HOAs are very difficult to obtain for legal reasons. Mr. Tuma gave a handout to the board members regarding the proposed sidewalks and interconnectivity.

Regarding sidewalks, all developments will provide pedestrian, bicycle, and vehicle connection to the adjacent property where possible included accessible routes.

Also, the cross-access easement-This was provided by plat.

In regard to lakes, open space will be available.

Board Comments

Christina Morrison-Did Pulte own the property in 2018? No. Was the golf course an amenity for the homeowners? No. Ms. Dasari commented that in the 80's one of the approval documents said that reduced rates were part of the amenities but disappeared. Another major concern is the Barwick & Atlantic Avenue intersection traffic. Was there a traffic study done and was it completed during Covid? The numbers seem to be very low. Ms. Dasari said that the study was done in April 2021. Ms. Morrison commented that there is not going to be a Master Association, but there is a joint entrance, joint streets, joint signage. How is that going to be handled?

Andrew Maxie-Pulte Homes-To answer Ms. Morrison question, Pulte has been given access through that entrance via plat. Regarding the entrance it will be maintained by Legacy.

Julen Blankenship-Clarification to Mr. Bennett-We have heard a lot about their agreement between the applicant and the person that owns the property and the existing HOA, does any of this supersede our LDR's? Mr. Bennett explained that these areas that have a multi development use using one common area, Legacy is the owner of that, so they have the responsibility as the owner. Regarding open space, are the lakes part of the open space acreage? Ms. Dasari replied that the lakes are separate from open space. The only thing counted towards open space is landscaped areas.

Max Weinberg-There will be vehicle and pedestrian gates. Are the pedestrian gates locked? Mr. Tuma said that it would be up to the community/residence. Mr. Weinberg also asked if the golf course is open to the public and is there admission? Mr. Tuma replied that yes golf is open to the public including admission.

Allen Zeller-Asked about the lakes, and if they are designed for retention purposes. Mr. Tuma responded that it is going to be for storm water runoff. Mr. Weinberg also asked about landscaping and tree removal and how many were being replaced and what kind they are.

Rick Harmen, WGI, Arborist-Mr. Harmen went through the tree count chart to explain the type of trees and types.

Joy Howell-Asked about the context and how this plan came before the Board. Something was said that this plan was a compromise made by the developer and the HOA. What was the original proposed development?

Michael Pluznick-4725 Sherwood Forest Drive, President of the Sherwood Forest HOA explained that initially more homes were proposed, different financial incentives, different home sizes, and townhomes. The initial vote was not in favor of this proposal, but Pulte came back with a better footprint, security updates, and wider lakes.

At this point in the meeting an email was given out from Albert Haeberle, 4700 Sherwood Forest Drive to the developer and Urban Design Studio. (Exparte Communication)

Chris Davey-Expressed concern that this project (the blue line on the site plan that goes completely around the community? has no sidewalks? Charlotte Ryles-4610 Sherwood Forest Drive-HOA Secretary, responded that currently the way the fence is sitting (pointing to where they are on the map), there never has been or currently sidewalk in

that location. We are eager to have this sidewalk going through this area so we can walk outside to this street to walk outside of our community.

MOTION to postpone the Land Use Map Amendment, Rezoning Master Development Plan and Waivers to the November 15, 2021, meeting made by Christina Morrison and seconded by Julen Blankenship.

MOTION CARRIED 7-0

9. LEGISLATIVE ITEMS

A. Water Supply Plan Update and Comprehensive Plan Text Amendments:

Provide a recommendation to the City Commission on ordinance No. 24-21, a City-initiated amendment to the Always Delray Comprehensive Plan, by adopting the 10-year Water Supply Facilities Work Plan (2021) and updates to applicable elements. (PUBLIC HEARING)

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

Rebekah Dasari, Senior Planner, entered the file into the record for Ordinance No. 24-21.

Staff Presentation

Hassan Hadjimiry, Utilities Director presented on the technical elements of the water supply plan update through a Microsoft PowerPoint presentation.

Ms. Dasari presented on the procedural considerations for the proposed amendment through a PowerPoint presentation.

Board Comments

None

MOTION to move a recommendation of approval of Ordinance No. 24-21, adopting an amendment to the Always Delray Comprehensive Plan related to the Water Supply Facilities Work Plan Update (2021), 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 made by Julen Blankenship and seconded by Rob Long.

MOTION CARRIED 7-0

B. Board of Adjustment (2021-170): Provide a recommendation to the City Commission on Ordinance No. 21-21, a City-initiated request to amend Section 2.2.4 of the Land Development Regulations (LDR) for the purpose of modifying board meeting requirements, composition requirements and duties for the Board of Adjustment.

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

Staff Presentation

Rebekah Dasari, Senior Planner presented through a Microsoft PowerPoint presentation.

The primary proposed change is a change to seven regular board members with no alternates, rather than the existing composition of five regular members and two alternates.

MOTION to recommend approval to the City Commission of Ordinance No. 21-21, a City-initiated amendment to Section 2.2.4 of the Land Development Regulations to revise the Board of Adjustment composition requirements and duties, by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations made by Julen Blankenship and seconded by Christina Morrison.

MOTION CARRIED 7-0

10. REPORTS AND COMMENTS

A. Staff

i. Affordable Housing Advisory Committee: Nomination to the City Commission of one or more Planning and Zoning Board members for consideration of one member to be appointed to serve on the Affordable Housing Advisory Committee (AHAC). Per Florida Statutes Section 420.9076, the local AHAC must include one representative that serves on the Local Planning Agency. The AHAC is supported by the City's Neighborhood Services Division, and the Staff Liaison is Ferline Mesidort, Neighborhood Services Administrator. Meetings are held at 6:00pm on the 2nd Thursday of each month, a minimum of three times per year

Board members interested:

Christina Morrison

Allen Zeller

Update on Items Presented to the Board

Domestic Animals LDR Amendment-October 5, 2021, to City Commission.

City Center Delray (Doc's Place)-October 5, 2021, to City Commission.

CBD Expansion-October 12, 2021, Workshop City Commission, December 7, 2021, 2nd Reading.

Green Building Ordinance-October 14, 2021, City Commission, December 14, 2021, 2nd Reading.

Privately Initiated LDR Amendments-At the August 10, 2021, City Commission adopted the Ordinance.

The next Board meeting is October 18, 2021.

B. Attorney

No Comments.

C. Board Members

No Comments.

11. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 8:00pm.

The undersigned is the Secretary of the Planning & Zoning Board and the information provided herein is the Minutes of the meeting of said body for **September 20, 2021**, which were formally adopted and APPROVED by the Board on _____.

ATTEST:

CHAIR

BOARD SECRETARY

NOTE TO READER: If the minutes you have received are not completed as indicated above, this means they 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