MINUTES
SITE PLAN REVIEW AND APPEARANCE BOARD
CITY OF DELRAY BEACH

MEETING DATE: May 25, 2022

MEETING PLACE: City Commission Chambers

1. CALL TO ORDER
The meeting was called to order by Todd L'Herrou, Chairman at 5:05 P.M.

2. ROLL CALL
A quorum was present.
Members Present: Todd L'Herrou, Chair; Dana Post Adler, Vice Chair; Price Patton, 2nd Vice Chair; John Brewer; Steven Cohen; Annette Gray; Carol Perez
Absent: None
Staff Present: William Bennet, Assistant City Attorney; Amy Alvarez, Principal Planner; Jennifer Buce, Planner; Brian Ruscher, Planner; Waltayvis Carruthers, Assistant Planner and Rochelle Sinisgalli, Board Secretary.

3. APPROVAL OF AGENDA
MOTION to APPROVE the amended May 25, 2022, agenda by Annette Gray and seconded by Dana Post Adler.

4. MINUTES
Motion to approve the minutes for February 9, 2022, was made by Annette Gray and seconded by Dana Post Adler.

5. SWEARING IN OF THE PUBLIC
Todd L'Herrou, Chairman read the Quasi-Judicial Rules for the City of Delray Beach and Ms. Sinisgalli swore in all who wished to give testimony.

6. COMMENTS FROM THE PUBLIC
None

7. PRESENTATIONS
None

Motion to move item 8.A to 8.G was made by Annette Gray and seconded by Steve Cohen.
MOTION CARRIED 7-0

Motion to move item 8.B to 8.H was made by Carol Perez and seconded by Annette Gray.
MOTION CARRIED 7-0

Motion to move item 8.G to 8.A was made by Annette Gray and seconded by Steve Cohen.
MOTION CARRIED 7-0

8. QUASI-JUDICIAL HEARING ITEMS
A. Opal Grand Hotel (2022-167): Consideration of a Class I Site Plan Modification associated with minor elevation changes to the west elevation for the Opal Grand Hotel (fka Marriott) located at 10 North Ocean Boulevard.
Address: 10 North Ocean Boulevard
PCN: 12-43-46-16-E3-003-0010
Applicant/Agent: Ocean Properties LTD / Gary Eliopoulos; Gary@eliarch.com
Planner: Jennifer Buce; buce@mydelraybeach.com

Jennifer Buce, Planner entered Project File 2022-167 into the record.

Exparte
Todd L'Herrou- None
Dana Post Adler- None
Price Patton- None
John Brewer-None
Steven Cohen-None
Annette Gray-None
Carol Perez- None

Applicant Presentation
Gary Eliopoulos, GE Architecture Inc.; 1045 E Atlantic Ave Suite 303, Delray Beach, FL 33483

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

Rebuttal/Cross
None

Public Comment
None

DRAFT

Board Comments
Carol Perez had no concerns regarding the proposed changes.

Annette Gray requested clarification from City staff if the parking for hotel employees was impacted by this change.

Price Patton inquired regarding construction that is currently occurring southwestern section of the property.

Steven Cohen asked the applicant regarding the proposed roll up doors located on the western side of the building.

MOTION to move approval of the Class I Site Plan Modification (2022-167) for the Opal Grand Hotel located at 10 North Ocean Boulevard associated with elevation changes to the west elevation, by finding that the request is consistent with the Land Development Regulations and the Comprehensive Plan was made by Price Patton and seconded by Annette Gray.
MOTION Carried 7-0

C. Le Colonial (2022-147): Consideration of a Class I Site Plan Modification associated with minor architectural elevations and landscaping associated with Le Colonial, a restaurant located at Atlantic Crossing in Building One at 601 East Atlantic Avenue.
Address: 601 East Atlantic Avenue
PCN: 12-43-46-16-P7-001-0010
Applicant/Agent: Edwards Atlantic Avenue, LLC / Mark Knauer Incorporated; mknauer@knauerinc.com
Planner: Jennifer Buce; buce@mydelraybeach.com

Jennifer Buce, Planner entered Project File 2022-147 into the record.

Exparte
Todd L'Herrou- None
Dana Post Adler- None
Price Patton- None
John Brewer-None
Steven Cohen-None
Annette Gray-None

Carol Perez recused herself.

Applicant Presentation
Mark Knauer, Mark Knauer Incorporated; 226 Green Bay Road Highwood, IL 60040

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

Rebuttal/Cross
None
Public Comment
None

Board Comments
Steven Cohen favored the iron gate that was previously approved and noted that the proposed planters were an improvement from the originally approved plans.

Price Patton asked the applicant regarding the grill over the entry and the bamboo ceiling. Mr. Patton indicated that the changes were an improvement over the original plan and supported the proposed changes.

Annette Gray inquired regarding the landscaping that will be hanging over the wall and is concerned that the required maintenance resulting from the landscaping.

Todd L'Herrou asked the City Staff if the "LC" lettering on the awning was approved by the Board, the applicant indicated that the Master Sign Program permitted the "LC" lettering on certain awnings.

MOTION to move approval of the request for the Class I (2022-147) Site Plan and Architectural Elevations for Le Colonial located at 601 East Atlantic Avenue, by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations was made by Dana Post Adler and seconded by Annette Gray.
MOTION Carried 6-0
Carol Perez abstaining

D. 502 East Atlantic Avenue (2022-119): Consideration of an amendment to the Blanket Sign Program for the property located at 502 East Atlantic Avenue.
Address: 502 East Atlantic Avenue
PCN: 12-43-46-16-G6-000-0010
Agent: Mark Gregory; gregorymg1@aol.com
Planner: Jennifer Buce; buce@mydelraybeach.com

Jennifer Buce, Planner entered Project File 2022-119 into the record.

Exparte
Todd L'Herrou- None
Dana Post Adler- None
Price Patton- None
John Brewer-None
Steven Cohen-None
Annette Gray-None
Carol Perez- None

Applicant Presentation
Mark Gregory, MG Concepts LLC; 18 Salina Ave Apt 29, Delray Beach, FL 33483.

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

Rebuttal/Cross
None

Public Comment
None

Board Comments
Price Patton was supportive of the proposed signage as the applicant has responded to the Boards comments.

Dana Post Adler the was supportive of the proposed signage.

Carol Perez thought that the signage was slightly too large.

Todd L'Herrou was supportive of the proposed signage and indicated that the signage was the appropriate size for the scale of the building.

MOTION to move approval of the amendment to the Blanket Sign Program (2022-119) located at 502 East Atlantic Avenue, based upon positive findings to LDR Section 4.6.7(F)(2)(a) was made by Dana Post Adler and seconded by Carol Perez.
MOTION Carried 7-0

E. Abandonment of Alley Right-of-Way (2021-236-ABR-Waiver): Provide a recommendation to the City Commission regarding a request to waive the requirements of LDR Section 4.4.13(J)(1)(c), Streets and Blocks, to allow the Planning and Zoning Board to consider the partial abandonment of an unimproved portion of a "T" alley totaling approximately 1,496 square feet and located adjacent to 201 and 213 SE 2nd Avenue, and 206 SE 3rd Avenue.
Address/PCN: No Address or PCN, see location description above.
Applicant: Tyler Knight, The Hutt LLC; tyler@knightgroupfl.com
Applicant/Agent: Nicole Jaeger, Esq., Dunay, Miskel & Backman, LLP; njaeger@dmbblaw.com
Planner: Brian Ruscher, AICP, Transportation Planner; Ruscherb@mydelraybeach.com

Brian Ruscher, Transportation Planner entered Project File 2021-236 into the record…

Exparte
Todd L'Herrou- None
Dana Post Adler- None
Price Patton- Conversation with Jim Knight, visited the site
John Brewer- Conversation with Jim Knight
Steven Cohen-None
Annette Gray- Conversation with Jim Knight
Carol Perez- Conversation with Bonnie Miskel

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

Staff Presentation
Brian Ruscher, Transportation Planner presented the project from a Microsoft PowerPoint presentation.

Rebuttal/Cross
Bonnie Miskel clarified that the parking lot located south of 213 SE 2nd Avenue is owned by the City of Delray Beach and not the Community Redevelopment Agency according to the Palm Beach County Property Appraisers website.

Brian Ruscher indicated that if the alleyway is abandoned regardless of the ownership would allow an increase in the development intensity of any future development adjacent to the alleyway in question.

Public Comment
Jim Knight, 10 SE 1st Avenue. Mr. Knight says that the abandonment is supported by the local residents and the nonconforming alley was not being utilized.

Board Comments
John Brewer indicated that the Board should look into the future use of that alley in light of the scale of development in the Osceola Park Neighborhood. Mr. Brewer was concerned that abandoning the alleyway could lead to a high-density development that would not be appropriate in that neighborhood.

Annette Gray asked City staff regarding the cost of relocation of utility lines and the additional density that the abandonment would provide for any future development on the adjacent parcels.

Carol Perez noted that if the alley was abandoned the functionality of the alleyway would not be affected. Ms. Perez was supportive of the abandonment as it does not negatively affect the use of the alleyway.

Steven Cohen stated that he did not consider the area in question as an alleyway as it appears to be an abandoned strip of land. Mr. Cohen requested clarification regarding the area to the north of the structure located at 213 SE 2nd Avenue.

Price Patton noted that he is generally opposed to abandoning an alleyway but the project before the Board is a unique situation. Mr. Patton noted that due to narrowness of that section of the alleyway it was not able to be utilized in a meaningful way.

Dana Post Adler was in favor of recommending the abandonment.

Todd L'Herrou was supportive of recommending the abandonment as the alleyway is not functional and cannot be utilized due to the nonconforming width of the alleyway.

MOTION to move a recommendation of approval of a request to waive the requirements of LDR Section 4.4.13(J)(1)(c), Streets and Blocks, to the City Commission, to allow the Planning and Zoning Board to consider the partial abandonment of an unimproved portion of a "T" alley totaling approximately 1,496 square feet and located adjacent to 201 and 213 SE 2nd Avenue, and 206 SE 3rd Avenue, by finding that the request is consistent with the Comprehensive Plan and Land Development Regulations was made by Carol Perez and seconded by Dana Post Adler.
MOTION Carried 7-0

Motion to move item 8.H to 8.F, item 8.F to 8.G was made by Dana Post Adler and seconded by Price Patton.
MOTION CARRIED 7-0

F. 90 North Congress Avenue (2022-157): Consideration of a Class I Site Plan Modification for Delray Tire & Auto Shop located at 90 North Congress Avenue associated with the material change to the existing awning on the office building facing North Congress Avenue and the installation of eight fabric awnings on the auto repair shop building interior to the subject site.
Address: 90 North Congress Avenue
PCN:12-43-46-18-34-003-0000 Authorized
Agent: Donald C. Day; don@delrayawning.com
Planner: Waltayvis Carruthers, Assistant Planner; carruthersw@mydelraybeach.com

Waltayvis Carruthers, Assistant Planner entered Project File 2022-157 into the record.

Exparte
Todd L'Herrou- None
Dana Post Adler- None
Price Patton- None
John Brewer-None
Steven Cohen-None
Annette Gray-None
Carol Perez- None

Applicant Presentation
Donald C. Day, Delray Awning; 80 N Congress Avenue, Delray Beach, FL 33445

Staff Presentation
Waltayvis Carruthers, Assistant Planner presented the project from a MicrosoftPower Point presentation.

Rebuttal/Cross
None

Public Comment
None

Board Comments
Dana Post Adler was supportive of the new awning color.

Price Patton was supportive of the change.

Steven Cohen was supportive of the change.

Carol Perez was supportive of the change.

Annette Gray inquired from the applicant if the awnings will contain any writing.

MOTION to move approval of the material change to the existing awning on the office building from blue to "Patio Champagne" beige and the installation of seven awnings above the garage doors and one awning above an entry door to the auto repair shop in the color "Patio Champagne" for the property located at 90 N Congress Avenue, by finding that the request is consistent with the Land Development Regulations and the Comprehensive Plan was made by Steven Cohen and seconded by Dana Post Adler.
MOTION CARRIED 7-0

G. 1236 George Bush Boulevard (2022-014): Consideration of a Class V Site Plan, Landscape Plan, and Architectural Elevations, including a waiver request regarding a requirement for street trees, for a proposed 6-unit townhome development.
Address: 1236 George Bush Boulevard
PCN: 12-43-46-09-39-000-0281
Applicant/Agent: 1236 George Bush Blvd LLC / Thomas Carney, Esq.; tfc@carneystanton.com
Planner: Jennifer Buce; buce@mydelraybeach.com

Jennifer Buce, entered Project File 2022-014 into the record.

Exparte
Todd L'Herrou- None
Dana Post Adler- None
Price Patton- None
John Brewer-None

Steven Cohen-None
Annette Gray-None
Carol Perez- None

Applicant Presentation
Shawn McAllister, Stamm Development Group; 900 E Atlantic Avenue, Suite 5 Delray Beach, FL 33483

Carlos Linares, Randall Stofft Architects; 42 N Swinton Ave # 1, Delray Beach, FL 33444

Tyler Nielson, Nielson Landscaping; 357 Cypress Drive, Jupiter, Florida 33469

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

Rebuttal/Cross
None

Public Comment
None

Board Comments
Carol Perez requested information regarding the streetscape trees that were to be installed and the location of the infiltration trenches to be installed by FDOT.

Annette Gray asked the applicant if the duty to maintain the landscaping on the second floor passes along to any subsequent buyers, the applicant indicated the HOA documents will require the landscaping to be maintained by all subsequent owners. Ms. Gray asked the applicant why the landscaping could not be setback closer to the structure.

John Brewer requested clarification from staff if the applicant is able to get approval from FDOT to place trees along the street.

Dana Post Adler inquired if any of the units were set aside for workforce housing and had concerns regarding the back out parking onto George Bush Boulevard.

Price Patton asked the applicant regarding access to the utilities on the roof. Mr. Patton indicated that there is significant grade changes on the property and inquired if the City Engineer approved the elevation.

Steven Cohen asked the applicant about the landscaping that will be installed adjacent to George Bush Boulevard and on the second floor of the structures.

Todd L'Herrou has concerns regarding the back out parking onto George Bush Boulevard but indicated that the proposed project is an improvement to what is existing at that location.

MOTION to move approval of the Class V (2022-014) Site Plan, Landscape Plan, and Architectural Elevations with request for waiver from LDR Section 4 6.16(H)(6); for 1236 George Bush Blvd. by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations was made by Price Patton and seconded by Steven Cohen.
MOTION CARRIED 6-1
Dissenting Annette Gray

9. LEGISLATIVE ITEMS- CITY INITIATED

A. Staff Comments

Next meeting will be June 22nd.
Meeting will be held on once a month; the July meeting is July 27th.

B. Board Comments

Carol Perez asked about the landscaping requirement per 4.3.3 (R) (R) (3) (C).

C. Attorney Comments

None

11. ADJOURN.

There being no further business to come before the Board, the meeting was adjourned at 8:10 pm.

DRAFT

The undersigned is the Board Clerk of the Site Plan Review & Appearance Board and the information provided herein is the Minutes of the meeting of said body for **May 25, 2022,** 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, then this means that these are not the official Minutes of the Historic Preservation Board. They will become official minutes only after review and approval, which may involve some amendments, additions, or deletions.

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