

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

**MEETING DATE:** August 19, 2019

**MEETING PLACE:** Commission Chambers, City Hall

**1. CALL**

The meeting was called to order by Planning and Zoning Chair, Robin Bird at 6:00 P.M.

**2. ROLL**

There is a quorum. Members present were Rob Long, Kevin Osborn, Christina Morrison, Jay Jacobson and Robin Bird. Julen Blankenship was absent. Staff members present were William Bennett, Assistant City Attorney; Anthea Gianniotis, Principal Planner; Amy Alvarez, Senior Planner; Kent Walia, Senior Planner; Rebekah Dasari, Senior Planner; Denise Malone (consultant); and Diane Miller, Board Secretary.

**3. MINUTES**

**MOTION** to approve minutes for April 15, 2019 and May 20, 2019 was made by Christina Morrison and seconded by Jay Jacobson.

**ALL IN FAVOR**

**4. APPROVAL OF AGENDA**

**MOTION** to approve the Agenda for August 19, 2019, was made by Christina Morrison and seconded by Jay Jacobson.

**ALL IN FAVOR**

**5. SWEARING IN OF THE PUBLIC**

Robin Bird 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**

**A. Abandonment of Right-of-Way (2019-153-ABR-CCA):** Consideration of a privately initiated Abandonment of Right-of-Way request for a 20' wide by 324.12' long portion of Old Dixie Highway totaling 6,482 square feet.

Kent Walia, Senior Planner entered the file 2019-153 into the record.

### **Exparte Communication**

None.

### **Applicant Presentation**

Merv MacDonald – Representing the applicant.

### **Staff Presentation**

Kent Walia, Senior Planner presented through a Power Point presentation.

### **Public Comments**

None.

### **Board Comments**

Kevin Osborn – He asked was there a difference between A & B of the approvals. Robin Bird said that 'A' has the utilities agreement.

## **MOTION**

**Move a recommendation of approval** of the request for the abandonment of a 20' wide portion of Old Dixie Highway Right-of-Way totaling 6,482 sf, lying west of and adjacent to the north 20' of Lot 14 and all of Lots 15, 16, and 17, as recorded in the Delray Beach Estates plat, by finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, subject to a 20.25' x 324.12' general utility easement being recorded for the abandonment area.

Motion made by Rob Long and seconded by Christina Morrison.

**MOTION CARRIED 5-0**

**B. Frog Alley / BH3 (2019-216 and 2019-217):** Provide a recommendation to the City

Commission on a small-scale Future Land Use Map Amendment from Medium-Density Residential (MD) to Commercial Core (CC) and Rezoning from Medium Density Residential (RM) to Central Business District (CBD) for seven (7) parcels totaling approximately 1.159 acres, generally located on the north side of SW 1st Street, between SW 6th Avenue and SW 7th Avenue.

Rebekah Dasari, Senior Planner entered the file 2019-216 & 2019-217 into the record.

**Exparte Communication**

Rob Long – His firm did some work, but nothing interferes with his decision on this project.

**Applicant Presentation**

Neil Schiller - Agent

**Staff Presentation**

Rebekah Dasari, Senior Planner presented through a Power Point presentation.

**Board Comments**

Jay Jacobson – 3 of the lots are private property. Can we rezone without property approval?

Response (Attorney): The City can move to rezone the properties owned by private owners, without their consent.

Christina Morrison – Is property part of RFP?

Response: Yes, issued by the CRA.

**Public Comments**

Mary Hardy

Mat Frusua

Kevin Homer

**Board Comments**

Christina Morrison - Concerned about ownership.

Kevin Osborn – Church will have a benefit from the future land use map amendment and rezoning.

**MOTION (Future Land Use Map Amendment)**

**Move a recommendation of approval** of Ordinance No. 30-19, a request for a Future Land Use Map amendment from Medium Density (MD) to Commercial Core (CC), 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. Motion made by Kevin Osborn and seconded by Jay Jacobson with the following condition:

- That the property that the applicant does not have owner consent for be excluded from the action unless the applicant obtains consent prior to Commission approval.

**MOTION APPROVED 5-0**

**MOTION (Rezoning)**

**Move a recommendation of approval** of Ordinance No. 31-19, a request for a rezoning from Medium Density Residential (RM) to Central Business District (CBD), finding that the rezoning and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations.

Motion made by Kevin Osborn, seconded by Jay Jacobson.

**MOTION APPROVED 5-0**

**C. Lake Ida Park Addition (2019-267, 2019-270, 2019-269):** Provide a recommendation to the City Commission on a City-initiated petition for a Voluntary Annexation of a 4.06-acre parcel from Palm Beach County, a Future Land Use Map amendment from Palm Beach County Medium Residential (MR-5) to City of Delray Beach Open Space (OS), and rezoning from Palm Beach County Agricultural Residential (AR) to City of Delray Beach Open Space Recreation (OSR).

Anthea Gianniotis, Principal Planner entered files 2019-267, 2019-270, 2019-269 into the record.

**Staff Presentation**

Anthea Gianniotis, Principal Planner presented through a Power Point presentation.

**Public Comments**

Michael Weiner

Mr. Calvert

### **Board Comments**

Kevin Osborn – If the City owns the property why are we annexing it?

Response: Anthea Gianniotis said that the City wanted to have as much control over their property as possible, and annexation would give it that control.

### **MOTION**

#### **Annexation**

**Move a recommendation of approval** of Ordinance No. 27-19, a City-initiated request to annex 4.06 acres from Palm Beach County, finding that the annexation and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations.

Motion made by Jay Jacobson and seconded by Christina Morrison.

**MOTION CARRIED 4-1, Kevin Osborn dissenting.**

#### **Future Land Uses**

**Move a recommendation of approval** of Ordinance No. 28-19, a City-initiated request for a Future Land Use Map amendment from Palm Beach County Medium Residential (MR-5) to City of Delray Beach Open Space (OS), 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.

Motion made by Jay Jacobson and seconded by Christina Morrison.

**MOTION CARRIED 5-0**

#### **Rezoning**

**Move a recommendation of approval** of Ordinance No. 29-19, a City-initiated request to rezone from Palm Beach County Agricultural Residential (AR) to City of Delray Beach Open Space and Recreation (OSR), finding that the rezoning and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations.

Motion made by Jay Jacobson and seconded by Christina Morrison

**MOTION CARRIED 5-0**

## **9. REPORTS AND COMMENTS**

### **A. Staff**

- Certificate of Appreciation for public service on the Planning and Zoning Board presented to:  
Christina Morrison  
Jay Jacobson  
Robin Bird
- Next meeting – September 16, 2019
- Comp Plan going to Commission 8/20/2019

### **B. Board**

- No Comments

### **C. Attorney**

- No Comments

## **10. ADJOURN**

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

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 **August 19, 2019** which were formally adopted and APPROVED by the Board on \_\_\_\_\_.

*Diane Miller*

Diane Miller

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 Minutes are a record of the proceedings of this Board. The full audio and video recording of these proceedings are available at:*

*[www.mydelraybeach.com/city-commission/av](http://www.mydelraybeach.com/city-commission/av) or a digital copy may be purchased at City Hall.)*