

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

MEETING DATE: July 20, 2020

MEETING PLACE: VIRTUAL

1. CALL TO ORDER

The meeting was called to order at 5:01pm but due to a lack of quorum, the meeting was delayed and called to order again by Chairman Kevin Osborn at 6:00 P.M.

2. ROLL CALL

A quorum was present.

Members Present: Kevin Osborn (Chairman), Rob Long (Vice Chairman), Joy Howell (2nd Vice Chairman), Alex DeAngelis, Julen Blankenship.

Members Absent: Joy Howell (2nd Vice Chairman), Daniel Stepner

Staff Present: Anthea Gianniotis, Development Services Director; William Bennett, Asst. City Attorney; Amy Alvarez, Principal Planner; Diane Miller, Board Secretary.

3. APPROVAL OF AGENDA

Motion to approve the July 20, 2020 agenda made by Julen Blankenship and seconded by Rob Long.

ALL IN FAVOR 4-0

4. MINUTES

None

5. SWEARING IN OF THE PUBLIC

Chairman Kevin Osborn read the Quasi-Judicial Rules for the City of Delray Beach and Ms. Miller swore in all who wished to give testimony.

6. COMMENTS FROM THE PUBLIC (Comments left via a voicemail message)

None

7. QUASI-JUDICIAL HEARING ITEMS

(Item Tabled to the end of the agenda.)

A. Abandonment of Right of Way, 1319-1325 North Federal Highway (2020-051):

Consideration of Resolution No. 99-20 for a privately initiated "Abandonment of Right of Way" for a 1,001 square foot portion of a platted alley located between 1319-1325 North Federal Highway.

Amy Alvarez, Principal Planner entered File No. 2020-051 into the record.

Exparte Communication

None

Applicant Presentation

Louis Carbone, Esq., Law Offices of Louis Carbone, P.A.

Staff Presentation

Amy Alvarez, Principal Planner presented the project through a PowerPoint presentation.

Public Comments – (Messages left on the P&Z Comment Line)

There was one comment received but the sound box to play the message was not working. There was a break in the meeting to fix the problem. After another break in the meeting the sound box was still not working.

Mr. Bennett suggested that we table the item to the end of the agenda in order to have IT continue working on the sound box.

MOTION was made to table Item 7A & 7B to move to 8.A.1 (the first item of the Legislative items) by Julen Blankenship and seconded by Alex DeAngelis.

MOTION CARRIED 4-0

MOTION to amend the agenda and move 8.A to 8.1.C., by Julen Blankenship and seconded by Alex DeAngelis.

MOTION CARRIED 4-0

8. LEGISLATIVE ITEMS

B. Restaurant-Bar Hybrid LDR Amendment (2020-126): Provide a recommendation to the City Commission on Ordinance No. 33-20 regarding a privately initiated amendment to the Land Development Regulations (LDR) to establish a Restaurant-Bar Hybrid Use and associated criteria and requirements.

Amy Alvarez, Principal Planner entered File No. 2020-126 into the record.

Exparte Communication:

None

Applicant Presentation

Matthew Scott, Esq, Dunay, Miskel & Backman, LLP; mscott@dmbblaw.com

Staff Presentation

Amy Alvarez, Principal Planner presented the project through a PowerPoint presentation.

Board Comments

- Julen Blankenship – No comments
- Rob Long – No comments
- Kevin Osborn – In support. Did not know that restaurants could not move tables after a certain hour.
Bottle Service? No
- Alex DeAngelis – Would like to see how it all flows.
- Rob Long – States agreement with Mr. DeAngelis and DDA.
- Kevin Osborn – Strike out the ability for hybrid and eliminate full course meals at hi-tops and bars and other areas. Mr. Bennett asked if this pertained to the definition of Bonafide Restaurants? I think this is more occupancy load and the number of chairs and tables.

MOTION to recommend to the City Commission Ordinance No. 33-20, amending the Land Development regulations to establish the restaurant-Bar Hybrid use and associated criteria and requirements, by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations made by Julen Blankenship and seconded by Rob Long.

MOTION CARRIED 4-0

C. Mural LDR Amendments, Ordinance No. 22-20: Provide a recommendation to the City Commission regarding a City-initiated request to amend and update the Land Development Regulations (LDR) to create a review process and establish requirements and review criteria for murals.

Amy Alvarez, Principal Planner, entered File No. (Ordinance No. 22-20) into the record.

Staff Presentation

Amy Alvarez, Principal Planner, presented the project through a PowerPoint presentation.

Board Comments

- Julen Blankenship – Can another area have a mural? Amy Alvarez, an applicant would have to apply for a waiver.
- Alex DeAngelis – Can they have a mural on all (4) sides? No. Each side needs a permit. How can you control that?

- Rob Long – Wants to make sure that SPRAB is not left out of the approval process.

MOTION to recommend approval to the City Commission of Ordinance No. 22-20, as amended, to include a (2) step approval process; first to Planning and Zoning or Public Art board, and then to either SPRAB or the Historic Preservation Board as applicable; and to expand the permissible locations to include Industrial Zoning District, Light Industrial Zoning District, and the Mixed Industrial Commercial District, even if they are facing the Railroad Corridors. Made by Julen Blankenship and seconded by Rob Long.
MOTION CARRIED 4-0

8.C. Always Delray Comprehensive Plan LDR Amendments, Ordinance No. 23-20: Provide a recommendation to the City Commission regarding a City-initiated request to amend and update the Land Development Regulations (LDR) to provide consistency with the Always Delray Comprehensive Plan adopted by Ordinance No. 19-19 on February 4, 2020.

Amy Alvarez, Principal Planner entered File No. 2020-128-LDR into the record.

Staff Presentation

Amy Alvarez, Principal Planner presented the project through a Power Point presentation. The ordinance will go to City Commission in August.

Board Comments

None

MOTION to recommend approval to the City Commission of Ordinance No. 23-20, amending the Land Development regulations to provide consistency with the Always Delray Comprehensive Plan adopted by Ordinance No. 19-19 on February 4, 2020, 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 Rob Long and seconded by Julen Blankenship.

MOTION CARRIED 4-0

8. QUASI-JUDICIAL HEARING ITEMS –

(Continuation of Abandonment of Right of Way)

8.1.A Abandonment of Right of Way, 1319-1325 North Federal Highway (2020-051):

Consideration of Resolution No. 99-20 for a privately initiated "Abandonment of Right of Way" for a 1,001 square foot portion of a platted alley located between 1319-1325 North Federal Highway.

Amy Alvarez, Principal Planner entered File No. 2020-051 into the record.

Applicant Presentation

Louis Carbone, Esq., Law Offices of Louis Carbone, P.A.

Staff Presentation

Amy Alvarez, Principal Planner presented the project through a Power Point presentation.

Public Comments – (Messages left on the P&Z Comment Line)

Marilyn Young – 704 S. Lake Avenue

Board Comments

- Kevin Osborn – Is this alley the last in La Hacienda that is to be abandoned?
- Amy Alvarez – Looking at the Property Appraiser website there is still a sliver of area in Phase I that has not been abandoned.

MOTION to move a recommendation of approval of Resolution No. 99-20 regarding a request for the abandonment of right-of-way of an 8-foot wide platted alley located between 1319 and 1325 North Federal Highway, with the abandoned area divided at the center line and returned equally to the two abutting parcels, by adopting the findings of fact and law continued in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations made by Julen Blankenship and seconded by Alex DeAngelis.

MOTION CARRIED 4-0

8.1.B Aura Delray Beach SAD (2020-116): Provide a recommendation to the City Commission on Ordinance 32-20, a privately initiated request for the rezoning of 12.20 acres from Mixed Industrial & Commercial (MIC) to Special Activities District (SAD) with an associated Master Development Plan (MDP) to allow a 292 unit multi-family residential development with associated amenities and a 2,000 square foot commercial building.

Amy Alvarez, Principal Planner entered File No. 2020-116 into the record.

Exparte Communication

- Alex DeAngelis-Received emails.
- Rob Long: Spoke with Bonnie Miskel. Email William Bennett regarding some participation with Bonnie Miskel's firm from time to time but has no conflicting involvement with this project.
- Julen Blankenship: Spoke to City staff and received email from applicant.
- Kevin Osborn-Spoke to City staff and Mr. Scott.

Applicant Presentation

Matt Scott, Dunay, Miskel & Backman LLP.

Staff Presentation

Amy Alvarez, Principal Planner presented the project through a PowerPoint presentation.

Public Comments – Messages left on the P&Z Comment Line.

Dominic Montara-21 NW 12th Street
Yolie Histtle-16110 Jog Road
Mark Bracovitch-1025 Casarina Road
Alisa Bercran-4887 S. Citation Drive
Matthew Ring-Water-65 5th Avenue
Jeffrey Thisel-303 Grove Way
Ashley Treadway-341 N. 3rd Avenue
Angelo Bionko-21 Grove Way
Madison Ann Day-80 N. Congress Avenue
Carol Anderson-4012 W. Bexley Drive

Staff Comments

None

Cross Examination

- Mr. Scott made comments:
The master plan height was 55.'
Work Force House estimate would be \$60,000.

Board Comments

- Julen Blankenship-Purpose of Intent-There are other areas to build. In the SAD it is for a special use. Not sure this is the area.
Work Force House-10% is the minimum but I would like to see it in writing.
Would like to see a mix us of all, not just efficiencies.
- Rob Long-Has MROC been considered?
- Kevin Osborn-If the property is not divided and sold, does zoning go back to the original zoning?
Concern that this project is 'Mixed Use' and 60.'
Would prefer it stays to 4/story.
- Alex DeAngelis-The height of the building would give more green space.
- Rob Long-Like the project with Work Force House but would prefer MROC.
- Julen Blankenship-Is the pathway along the drainage how is it accessible?
 - Amy Alvarez-Sometimes it is part of the 2nd part of the project.
- Rob Long- I agree that there should be some language in the recommendation regarding Work Force House.
- Kevin Osborn-Concerns about SAD. If they came back as MROC I would be less likely to approve it. I am comfortable with the wording for Work Force Housing.
- Matt Scott-Did not think that Work Force House would be an issue, so I would like to discuss this with my client. (BREAK IN MEETING)
- William Bennett-Just a reminder that the board is just making a recommendation the City Commission, and you are free to recommend how you feel the zoning should be.
- Matt Scott-We would commit to 25% Work Force Housing.

MOTION to move a recommendation to the City Commission of approval of Ordinance No. 32-20 as amended a privately initiated request for rezoning from Mixed Industrial & Commercial District (MIC) to Special Activities District (SAD), and approval of the Master Development Plan, finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulation with the revision to eliminate any exceptions to the 25% project density for Workforce Housing as stated in the Master Development Plan, made by Julen Blankenship and seconded by Rob Long.

MOTION CARRIED 4-0

MOTION to recommend approval to the City Commission of Ordinance No. 31-20, to amend the Land Development regulations (LDR) 4.3.4(J)(4), increase to height regulations, and Article 4.7, Family/Workforce to establish the Aura Delray Beach Overlay District requiring a minimum of 25 percent as workforce housing units, by finding that the amendment as amended and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations made by Julen Blankenship and seconded by Alex DeAngelis.

MOTION CARRIED 4-0

MOTION to amend to include revision to eliminate the exception of the 25% project density for Work Force Housing made by Julen Blankenship and seconded by Alex DeAngelis.

MOTION CARRIED 4-0

MOTION to approve the request to allow an increase of the maximum allowable height from 48 to 52.5 feet, pursuant to the proposed amendment to LDR Section 4.3.4 (J)(4)(b)(i)(7) (2021-047-USE-PZB) made by Allen Zeller and seconded by Julen Blankenship.

MOTION CARRIED 6-0

10. REPORTS AND COMMENTS

A. Staff

- Next meeting August 17, 2020
- Start at 5:00pm?
- Talk about a 2nd meeting in a month.
- Members that are termed out – Last meeting will be August.

B. Board

- No Comments

C. Attorney

- No Comments

XI. ADJOURN

There being no further business to come before the Board, the meeting was adjourned at 10:30PM.

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 **July 20, 2020** 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.)