

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

MEETING DATE: February 22, 2021

MEETING PLACE: **Virtual Meeting**

1. CALL TO ORDER

The meeting was called to order by Chris Davey, Chairman at 6:04 P.M.

2. ROLL CALL

A quorum was present.

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

Members Absent: Joy Howell

Note: Prior to the meeting, Alex DeAngelis resigned from the board due to a change in eligibility.

Staff Present: Amy Alvarez, Principal Planner; William Bennett, Assistant City Attorney; Elizabeth Eassa, Senior Planner; Kent Walia, Senior Planner; Rebekah Dasari, Senior Planner; and Diane Miller, Board Secretary.

3. APPROVAL OF AGENDA

Motion to approve the January 25, 2021 agenda made by Allen Zeller and seconded by Julen Blankenship.

ALL IN FAVOR 4-0

4. MINUTES

July 20, 2020

Motion to approve the meeting minutes by Rob Long and seconded by Julen Blankenship.

ALL IN FAVOR 4-0.

August 17, 2020

Motion to approve the meeting minutes by Rob Long and seconded by Julen Blankenship.

ALL IN FAVOR 4-0

5. SWEARING IN OF THE PUBLIC

Chris Davey 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

None

7. PRESENTATION

A. Initiation of the City's Annual Infrastructure Improvement Hearing: Review the Capital Improvements Project (CIP) process and open the Annual Infrastructure Improvement Hearing.

NOTE: This initiation also serves as an announcement to the City of Delray Beach's residents, property owners, and businesses to consider the infrastructure needs they observe so they can share them with City Staff. The Planning and Zoning Board will conduct the Public Hearing at an upcoming meeting at which time the public will be given an opportunity to speak to the Board.

Planner: Amy Alvarez, Principal Planner

Max Weinberg arrived at 6:11pm.

8. RECOMMENDATION ITEMS

A. Heroes Way (2021-096): Provide a recommendation to the City Commission on Resolution No. 44-21, to rename Bryan Boulevard, a private right-of-way that runs through the Delray Medical Center Complex from West Linton Boulevard to South Military Trail, to Heroes Way.

Applicant/Contact: Lisa Cook, Delray Medical Center

Planner: Amy Alvarez, Principal Planner, AICP

Amy Alvarez, Principal Planner, entered the File No. 2021-096 into the record.

Exparte Communication

None

Applicants Presentation

John Secreto, Chief Nursing Officer, Delray Medical Center

Lisa Cook, Delray Medical Center

Staff Presentation

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

Board Comments

Chris Davey and Rob Long expressed support for the proposed name change.

Motion to recommend approval to the City Commission on Resolution No. 44-21, to rename Bryan Boulevard, a private right-of-way, to Heroes Way, made by Julen Blankenship and seconded by Rob Long.

MOTION CARRIED 5-0

9. QUASI-JUDICIAL HEARING ITEMS

A. Frederick Isles (2020-253): Certification of the Preliminary Plat and recommendation to the City Commission of the Final Plat for Frederick Isles townhouse development to create 6 fee-simple lots located at 2621 Frederick Boulevard.

Address: 2621 Frederick Boulevard

Owner: Frederick Isles LLC

Applicant: Miles Rich

Planner: Elizabeth Eassa, AICP, Senior Planner

Elizabeth Eassa, Senior Planner, entered the File No. 2020-253 into the record.

Exparte Communication

None

Applicant Presentation

Miles Rich-Developer

Staff Presentation

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

Public Comments

None

Board Comments

- Allen Zeller-Are these units for sale or rent?
 - Miles Rich-The units are going to be rentals.

Motion to recommend approval of the preliminary plat and recommendation of approval to the City Commission for the certification of the Final Plat for Fredericks Isles, finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations made by Julen Blankenship and seconded by Max Weinberg.

MOTION CARRIED 5-0

B. RaceTrac (2020-271-USE): Provide a recommendation to the City Commission for a Conditional Use request to establish a gasoline station with convenience store for RaceTrac.

PCN:12-43-46-18-56-001-0000

Location:10 South Congress Avenue

Agent: Michael S. Weiner, Sachs Sax Caplan PL

Planner: Kent Walia, Senior Planner

Kent Walia, Senior Planner, entered the File No. 2020-271-USE into the record.

Exparte Communication

Rob Long-Drive by

Max Weinberg-Drive by

Chris Davey-Drive by

Allen Zeller-Drive by

Applicant Presentation

Michael Weiner, Sachs Sax Caplan

Staff Presentation

Ken Walia, Senior Planner, presented the project through a PowerPoint presentation.

Special Presentation

Neil Schiller, Representing Congress Limited, requests that the Board deny the applicant's request for conditional use approval for a gas station, citing the following reasons:

- Failed to prove required findings.
- No competent substantial evidence.
- Detrimental effect on the stability of the neighborhood.
- Will hinder redevelopment of nearby properties.

Board Comments

- Chris Davey notes that Mr. Schiller indicated that the owner at the time of application is no longer the current owner.
 - Kent Walia clarifies that in December 2020, the applicant, who was authorized by the owner to proceed with the application, finalized the purchase of the plaza from the owner at the time of application, which was brought to City attention by Mr. Schiller. Subsequently, the City received a new application showing the current owner and designating Michael Weiner as the agent.

Public Comments

None

Cross Examination/Rebuttal

Michael Weiner-The variance runs with the land. Other additions to the land would be a bus shelter. The use is consistent with all other uses up and down Atlantic Avenue.

Board Comments

- Allen Zeller-Are there going to be any electric charging station? Could the infrastructure for EV charging stations be included? Will there be pedestrian connections between the site and Congress Avenue and from the shopping center to the food mart.
 - Kent Walia-Yes, there is a pedestrian connection from the bus stop on Congress Avenue to the building.
 - Spencer Bass-RaceTrac-At the moment Race Trac is monitoring customer trends in electric vehicle charging. At this time, it is not determined to be economically feasible.
- Max Weinberg-Asked Mr. Walia to explain the ingress and egress and traffic flow on Atlantic Avenue.
 - Mr. Walia showed the site plan with discussion.
- Mr. Weinberg asked Mr. Bass (RaceTrac) if the food mart sold tobacco products.
 - Mr. Bass said that yes, they do sell tobacco products.
- Julen Blankenship-Concerns with Traffic Concurrency, traffic in AM and PM, compliance with the Congress Avenue Plan. Also, where is the nearest bus location.
 - Mr. Walia commented that there is currently a bus stop (pole and seat), but they are putting in a shelter.
- Max Weinberg-Is there going to be relief at the bus stop?
 - Ken Walia-There will be no deceleration lane.
- Rob Long-Agree with Ms. Blankenship, have concerns regarding the additional trips at this intersection, and think that RaceTrac is not compatible at the corner.
- Chris Davey- Indicated that the City did not adopt the Congress Avenue Plan, and that gas stations do not add to traffic. It is compatible to the surroundings.
 - Mr. Bass (RaceTrac) The gas station will be a 24hr. mart.

Motion to recommend approval to the City Commission of the Conditional Use request for a gasoline station with food sales (convenience mart) known as “RaceTrac,” located at 10 South Congress Avenue, by finding that the request is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development regulations and to include electric vehicle (EV) charging station infrastructure, to “dress up” the back of the building, and to provide additional landscaping to buffer the dumpster area. made by Allen Zeller and seconded by Julen Blankenship.

MOTION CARRIED 3-2 (Julen Blankenship and Rob Long dissenting)

C. Delray Swan (2021-052 and 2021-052): Provide a recommendation to the City Commission on Ordinance Nos. 09-21 and 10-21, privately initiated requests for a Land Use Map Amendment (LUMA) from Medium Density (MD) to Commercial Core (CC) and rezoning from Medium Density Residential (RM) to Central Business District (CBD)

for the properties located at 215 SE 1st Avenue, 219 SE 1st Avenue, 223 SE 1st Avenue, 227 SE 1st Avenue, 231 SE 1st Avenue, 237 SE 1st Avenue, 243 SE 1st Avenue, 251 SE 1st Avenue, and 253 SE 1st Avenue.

Agent: Jeff Costello, AICP, FRA-RA, JC Planning Solutions.

Planner: Rebekah Dasari, Senior Planner

Rebekah Dasari, Senior Planner, entered the file into the record, 2021-052-FLUM, 2021-051 REZ

Exparte Communication

Chris Davey-Drive by

Max Weinberg-Drive by and spoke to Mr. Costello.

Rob Long-Spoke to Mr. Shiller

Julen Blankenship-None

Applicant Presentation

Neil Schiller- Saul Ewing Arnstein & Lehr LLP

Jeff Costello-J.C. Planning Solutions

Staff Presentation

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

Public Comments

None

Cross Examination/Rebuttal

Neil Schiller-Looking at the map of CBD and SF Duplex, on the east side of the RR east side of SW 2nd Avenue, there is a new and improved alley way. On the west side of the tracks, you have the RM and the CBD butting up to each other. 20% of all the units will be for Workforce Housing.

Jeff Costello-Confirmation that SE 1st Avenue could be designated as a Primary Street.

Rebekah Dasari-A little bit of clarification, that this project is what could happen in the future with the LDR amendment and what could happen if this is passed.

Amy Alvarez-Clarification on setbacks. We have a 15ft. street setback requirement but the actual setback is 10-15ft. on the front.

Board Comments

- Allen Zeller-No Traffic Study. Also, project not compatible to the Comprehensive Plan.
- Max Weinberg-Agree with Mr. Zeller that there are inconsistencies with the LDR. One of the stressing points could be that the Osceola Redevelopment Plan has largely not been implemented.

- Rob Long-This property needs to be revitalized and the community clearly wants redevelopment. I feel this project is consistent with the Comprehensive Plan.
- Julen Blankenship-Agree with Mr. Long and the community feels they are being neglected.
- Max Weinberg-The “Like to Like”. Does this mean that it is the front of the building facing the front of another?
 - Chris Davey-This means that when you are going down the street you should have similar things on each side.

Land Use Map Amendment

Motion to recommend approval of Ordinance No. 09-21, a privately-initiated request to amend the land use map from Medium Density (MD) to Commercial Core (CC) for the properties located at 215 SE 1st Avenue, 219 SE 1st Avenue, 223 SE 1st Avenue, 227 SE 1st Avenue, 231 SE 1st Avenue, 237 SE 1st Avenue, 243 SE 1st Avenue, 251 SE 1st Avenue, and 253 SE 1st Avenue, 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 3-2 (Allen Zeller and Chris Davey dissenting)

Rezoning

Move a recommendation of approval of Ordinance No. 10-21, a privately-initiated request to rezone the properties located at 215 SE 1st Avenue, 219 SE 1st Avenue, 223 SE 1st Avenue, 227 SE 1st Avenue, 231 SE 1st Avenue, 237 SE 1st Avenue, 243 SE 1st Avenue, 251 SE 1st Avenue, and 253 SE 1st Avenue from Medium Density Residential (RM) to Central Business District (CBD), 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 3-2 (Allen Zeller and Chris Davey dissenting)

9. LEGISLATIVE ITEMS

A. Public Art Advisory Board LDR Amendment (2021-094): Provide a recommendation to the City Commission on Ordinance No. 11-21, a City-initiated request to amend the Land Development Regulations (LDR) regarding the duties of the Public Art Advisory Board to include the review and recommendation to the City Commission regarding public art in the public right-of-way, on City-owned property, and on structures within the public right-of-way, and regarding public art installations.

Planner: Amy Alvarez, Principal Planner

Amy Alvarez, Principal Planner, entered File No. 2021-094 into the record.

Exparte Communication

None

Applicant Presentation

None

Staff Presentation

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

Public Comments

None

Board Comments

- Allen Zeller-Has the amendment been sent to the DDA?
 - Amy Alvarez-No, this amendment was not sent to the DDA, but it can be sent to their March meeting prior to 1st Reading of the Ordinance.

MOTION to recommend approval to the City Commission of Ordinance No. 11-21, amending the Land Development Regulations to include the review and recommendation to the City Commission regarding public art in the public right-of-way, on City-owned property, and on structures within the public right-of-way, and regarding public art installation, 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 Rob Long and seconded by Julen Blankenship.

MOTION CARRIED 5-0

10. REPORTS AND COMMENTS

A. Staff

- Next meeting March 15, 2021.
- Welcome Duncan Tavares our new Assistant City Manager to the meeting.

B. Board Attorney

- The 1177 Moderne SAD was on the January 25, 2021 agenda, but due to technical difficulties, some Public Comments were not played. Comments from the following individuals were played for the Board:
 - Gordon Lowe-790 Andrews Avenue
 - Bill Peachtree-1035 Vista Del Mar
 - Jim Debous-1236 George Bush Blvd.

C. Board Comments

- Allen Zeller says that the agenda cover memo associated with the proposed CBD Railroad Corridor Sub-district LDR amendment did not accurately communicate the board recommendation and vote.
 - Chris Davey asked Amy Alvarez to relay Mr. Zeller's concerns to Ms. Gianniotis and provide an update to Mr. Zeller and the board at the next meeting.

10. ADJOURN.

There being no further business to come before the Board, the meeting was adjourned at 10:45PM.

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 **February 22, 2021** which were formally adopted and APPROVED by the Board on _____.

Diane Miller, Board Secretary

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.