

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

MEETING DATE: May 17, 2021

MEETING PLACE: **Virtual Meeting**

1. CALL TO ORDER

The meeting was called to order by Chris Davey, Chairman at 6:00 P.M.

2. ROLL CALL

A quorum was present.

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

Members Absent: None.

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

Joy Howell arrived at 6:04 pm.

3. APPROVAL OF AGENDA

Mr. Davey asked the board to amend the agenda to the following:

Move Item 8.A to 7.A

Move Item 7.A to 8.A

Move Item 7.B to 8.B

Motion to approve the amended May 17, 2021 agenda made by Julen Blankenship and seconded by Allen Zeller.

ALL IN FAVOR 5-0

4. MINUTES

February 22, 2021

March 15, 2021

Motion to approve the meeting minutes by Allen Zeller and seconded by Julen Blankenship.

ALL IN FAVOR 5-0.

Rob Long arrived at 6:06 pm.

Christina Morrison arrived at 6:17 P.M.

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. LEGISLATIVE ITEMS – CITY INITIATED

[\(Item 8.A moved to Item 7.A\)](#)

A. Green Building Requirements (2020-150): Provide a recommendation to the City Commission on Ordinance No. 16-21, a city-initiated request to amend the Land Development Regulations (LDR) for the purpose of requiring that all new construction over 5,000 square feet, whether public or private, obtain Leadership in Energy and Environmental Design (LEED) Certification of minimum Gold level or the equivalent of a nationally recognized certification standard.

Staff Contact: John Kent Edwards MS, MPH, Sustainability Officer;

EdwardsJ@mydelraybeach.com

Planner: Amy Alvarez, Principal Planner; alvarez@mydelraybeach.com

Amy Alvarez, Principal Planner, entered the File No. 2020-150 into the record.

Exparte Communication

None

Staff Presentation

Kent Edwards, Sustainability Officer, and Amy Alvarez, Principal Planner, presented the project through a PowerPoint presentation.

Public Comments

None

Board Comments

- Allen Zeller. Asks what the 3-year review involves, and Mr. Edwards said that it would be a complete review and any identified changes or updates would be made at that time.
- Max Weinberg. Asks if a building is over 5,000 square feet, if the entire building would be covered by the bond. Mr. Edwards said that only the square footage that is required to obtain certification is over the 5,000sf threshold. Also, to Ms. Alvarez, what is the difference between A&B of the recommendation. The difference is that one is to provide for a recommendation to amend the ordinance as proposed.
- Julen Blankenship-Listening to the presentation, I would want to look at a tier program with more incentives and also what is the money used for in the fund.

- Chris Davey-I agree with the tier program looking at the cost increase of building. Maybe we look at this in 3 years.
- Christina Morrison-We are bringing trophy projects into the City and bringing us into the 21st century but the LEED Certification would only be for new construction. Maybe we could phase it in and move the “Silver” status to smaller developments.

Motion to recommend approval to the City Commission of Ordinance No. 16-21, as amended, amending the Land Development Regulations for the purpose of requiring that all new construction over 5,000 square feet, whether public or private, obtain Leadership in Energy and Environmental Design (LEED) Certification of minimum Gold level or the equivalent of a nationally recognized certification standard, by finding that the amendment as amended and approval thereof is consistent with the Comprehensive Plan made by Julen Blankenship and seconded by Max Weinberg for discussion:

- Joy Howell-Is it 15,000sf. per unit. No, it would be the whole building.
- Max Weinberg-A 15,000sf house, the bond will not be an issue.
- Chris Davey-15,000sf is a good direction to go.
- Joy Howell-How do we incentivize the single-family homeowner. At this time in this market this would not be feasible.
- Allen Zeller-To keep it at 15,000sf will eliminate the single-family developer.
- Julen Blankenship-Look at an incentive program.
- Chris Davey-Change the gold to silver.
- Julen Blankenship-Tiering the certification level would be a suggestion.
- Rob Long-This is only a recommendation and be more flexible.

Amended Motion

Recommend approval to the City Commission of Ordinance No. 16-21, as amended, amending the Land Development Regulations for the purpose of requiring that all new construction over 5,000 square feet, whether public or private, obtain Leadership in Energy and Environmental Design (LEED) Certification of minimum Gold level or the equivalent of a nationally recognized certification standard, by finding that the amendment as amended and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations amendments being:

- 15,000sf minimum to require green building certification;
- include incentives for any other new construction to obtain certification;
- tier certification levels.

made by Julen Blankenship and seconded by Christina Morrison.

MOTION CARRIED 7-0

8. QUASI-JUDICIAL HEARING ITEMS

(Item 7.A moved to Item 8.A)

A. Delray East Townhomes (2020-0202): Certification of the Preliminary Plat and recommendation to the City Commission of the Final Plat for the Delray East Townhomes development to create seven fee-simple lots, provide easements and dedicate right-of-way for the properties currently addressed 2800-2812 Florida Boulevard and located at the southwest corner of LA Mat Avenue and Florida Boulevard.

Address: 2800-2812 Florida Boulevard

Owner: Delray East Townhomes, LLC

Applicant: Lennie F. Smith, lsmith@lifestylehomes.com

Planner: Elizabeth Eassa, AICP, Senior Planner, eassae@mydelraybeach.com

Elizabeth Eassa, Senior Planner, entered the File No. 2020-0202 into the record.

Experte Communication

Julen Blankenship-No

Rob Long-No

Christina Morrison-Know the site well.

Chris Davey-No

Allen Zeller-Drive by

Max Weinberg-Drive by

Joy Howell-No

Applicant Presentation

Lennie Smith-Manager, Lifestyle Homes

Staff Presentation

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

Public Comments

None

Board Comments

- Allen Zeller-Would like to know if these units are rentals or for sale, is there an HOA, Workforce Housing included, and if not, then why. Ms. Smith said that all the units are rentals with a HOA but there will not be any Workforce Housing.
- Elizabeth Eassa-Correction on the first page of the staff report. The address should read 2800 Florida Blvd.

Motion to approve the preliminary plat and recommendation of approval to the City Commission for the certification of the Final Plat for Delray East Townhomes, 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 Christina Morrison

MOTION CARRIED 7-0

(Item 7.B moved to Item 8.B)

B. 4652 133rd Road South (2020-024):

Provide a recommendation to the City Commission on Ordinance No. 14-21, to rezone a 3.18± acre parcel located at 4652 133rd Road South from Medium Density Residential, 8 dwelling units per acre (RM-8) to Medium Density Residential (RM), with a density range of 6 to 12 dwelling units per acre.

(PUBLIC HEARING)

NOTE: This item was previously scheduled for the April 19, 2021 meeting and was postponed prior to the meeting at the applicant's request. The request remains the same as was previously noticed.

Agent: Mark Rickards, AICP, Associate | Kimley-Horn; mark.rickards@kimley-horn.com

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

Rebekah Dasari, Senior Planner, entered the file into the record, 2020-024.

Exparte Communication

Christina Morrison-No

Julen Blankenship-Emails

Max Weinberg-Drive by

Allen Zeller-Visited Site

Rob Long-No

Joy Howell-No

Chris Davey-Visited Site

Applicant Presentation

Michael Weiner-Sachs Sax Caplan

Adam Kern-Kimley Horn

Mark Rickards-Kimley Horn

Breta Galloway-Principal

Staff Presentation

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

Public Comments

LAST NAME	FIRST NAME	ADDRESS	CITY	4/19/21 Mtg	5/17/21 Mtg
April 19, 2021 POSTPONED					
Addotta	Rose Marie	1610 Satin Leaf Ct.	Delray Beach	⚡	
Alsan	Bob	4525 N. Barwick Ranch Cir	Delray Beach	⚡	
Anderson	Carol	4812 W. Bexley Park Drive	Delray Beach	⚡	
Andrea	Connie	1325 E. Barwick Ranch Cir	Delray Beach	⚡	
Andrea	Laurance	1325 E. Barwick Ranch Cir	Delray Beach	⚡	
Baris	Michael	3730 Riverside Way	Delray Beach	⚡	
Bolling	Joel	14461 Barwick Road	Delray Beach	⚡	
Burgess	Jill	1655 Fern Forest Place	Delray Beach	⚡	
Calvagno	Rosemary	4560 S. Barwick Ranch Cir	Delray Beach	⚡	
Calvagno	Peter	4560 S. Barwick Ranch Cir	Delray Beach	⚡	
Carperin	Katherin	1150 W. Magnolia Circle	Delray Beach	⚡	
Cassidy	Erin	1670 Satin Leaf Ct.	Delray Beach	⚡	
Delgreco	Ellen	3875 Satin Leaf Ct.	Delray Beach	⚡	
Difeo	Lorrie	421 Bluebird Lane	Delray Beach	⚡	
Emm	Jerry	1210 E. Lancewood Place	Delray Beach	⚡	
Eoli	Mary & Anthony	1345 W. Barwick Ranch Cir	Delray Beach	⚡	
Galvan	Kristen	1471 W. Bexley Park Drive	Delray Beach	⚡	
Gerino	Diane	3795 Riverside Way	Delray Beach	⚡	
Grondin	Nancy	212 Cardinal Lane	Delray Beach	⚡	
Harman	Allen	4550 S. Barwick Ranch Cir	Delray Beach	⚡	⚡
Herwick	Michael	4021 Satin Leaf Ct.	Delray Beach	⚡	
Johansson	Ellsa	4520 S. Barwick Roach Circle	Delray Beach	⚡	
Jurghans	Cynthia	4780 Glen Pine Lane	Boynton Beach	⚡	
Keefer	Christina	4538 Danson Way	Delray Beach	⚡	
Kurimski	Rebecca	1430 W. Bexley Park Drive	Delray Beach	⚡	
Kurish	Audrey	12704 Coral Lakes Dr.	Boynton Beach	⚡	
Lee	Ingrid	1441 E. Bexley Park Drive	Delray Beach	⚡	
Marchante	Patrice	3901 Satin Leaf Ct.	Delray Beach	⚡	
Meyer	Del	3760 Sabal Lakes Road	Delray Beach	⚡	
Rogers	Susan	1375 Sable Lakes Road	Delray Beach	⚡	
Rosenbaum	Evin	1165 E. Magnolia Circle	Delray Beach	⚡	
Soroka	Kelly	3867 Satin Leaf Ct.	Delray Beach	⚡	
Stallard	Melanie	4040 Seagrape Circle	Delray Beach	⚡	
Trurslou	Dawn	4122 Satin Leaf Ct.	Delray Beach	⚡	
Vinikoor	Laurie	10626 LaReinna Way	Delray Beach	⚡	⚡
Wilson	Beverly	1640 Satin Leaf Ct.	Delray Beach	⚡	
Wright	Lucille	4530 S. Barwick Ranch Circle	Delray Beach	⚡	
Zderko	Michelle	3730 Riverside Way	Delray Beach	⚡	
Danis	Michael	3730 Riverside Way	Delray Beach	⚡	
May 17, 2021 Meeting					
Elliott	Diaz	4536 Highgate Drive	Delray Beach		⚡
Chandleur	Sandy	4624 Danson Way	Delray Beach		⚡
Pazano	Barbara	2370 Sandpiper Circle	Delray Beach		⚡
Carperin	Don	1150 W. Magnolia Circle	Delray Beach		⚡
Johnson	Catherine	538 Sandpiper Circle	Delray Beach		⚡
Meisel	Maureen	423 Bluebird Lane	Delray Beach		⚡
Katz	Mitch	1618 W. Classical Blvd	Delray Beach		⚡
Klein	Eva	13387 Barwick Road	Delray Beach		⚡

Chris Davey-After hearing almost an hour of repetitive public comments, Mr. Davey asked Mr. Bennett what the procedure is for extensive public comments. Mr. Bennett said that Section 6 of local rules, Subsection F allows boards to limit comments to 1 hour. This would be a board decision.

Julen Blankenship agrees we should follow the City Commission rules.

Motion to approve that no more messages after 1 hour made by Christina Morrison and seconded by Joy Howell.

Motion Carried 7-0

Board took a recess for 5 minutes.

Reconvened the meeting at 927p

Cross Examination

Michael Weiner-Commented on 2.4.5, 'That the requested zoning is of similar intensity as allowed under the Land Use Map'. Ms. Dasari is that correct? She responded yes. On the 3.2.2 chart, 'RM and PRD are the preferred zoning district for MD land use'. Ms. Dasari is that correct? She responded yes.

Rebekah Dasari-A point of clarification, with the rezoning request, we look at the request itself not any development proposals. While the applicant has proposed a desire of 35 townhomes, they are able to go to 38 townhomes.

Board Comments

Julen Blankenship-Wanted to clarify that in 2.4.5 it says, "That the requested zoning is of similar intensity as allowed under the Land Use Map "and". The word "and" is the appropriate word that was not added. They have to meet both areas.

Also, I need to understand the dedications. Ms. Dasari said that there is a 50-foot dedication and they would be required to pave to Barwick Road. Mr. Davey said this road will always be a sub-standard road.

Joy Howell-In an area in the Swinton neighborhood there was a similar problem, and they are building single family homes. Listening to comments I feel I cannot be in favor of this project.

Rob Long-Not totally opposed to this project, and we are in need of single-family homes, but this area cannot take the density and I cannot be in favor of this project.

Christina Morrison-I worked on the Always Delray, and we need to follow those rules. This project does not uphold the rules, so I am not in favor of this project.

Allen Zeller-For most of the reasons that my board members have expressed regarding this project, I cannot support this project.

Max Weinberg-The issues and concerns from my fellow board members have been very well laid out and I am not in favor of this project.

Chris Davey-The difficulties with this property, the ingress and egress, I cannot be in favor of this project.

Motion to recommend **denial** of Ordinance No. 14-21, a privately initiated request to rezone 3.18 acres located at 4652 133rd Road South from RM-8 to RM, finding that the rezoning and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in the Land Development Regulations made by Julen Blankenship and seconded by Christina Morrison

MOTION DENIED 7-0

9. REPORTS AND COMMENTS

A. Staff

- Next meeting June 21, 2021 (in person)

B. Board Attorney

- Welcome Christina Morrison back to the Board.
- By-Laws will be reviewed this summer.

10. ADJOURNMENT

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 **May 17, 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.