

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

**MEETING DATE:** July 15, 2019

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

**1. CALL**

The meeting was called to order by Planning and Zoning Chair, Robin Bird at 6:07 P.M.

**2. ROLL**

A quorum was present. Members present were Rob Long, Christina Morrison, Julen Blankenship, Jay Jacobson and Robin Bird. Kevin Osborn and Jim Knight were absent (no longer a member of the board). 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; and Diane Miller, Board Secretary.

**3. MINUTES**

None

**4. APPROVAL OF AGENDA**

**Motion** to approve the Agenda for July 15, 2019, was made by Christina Morrison and seconded by Julen Blankenship.

**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**

Carol Anderson – 4812 W. Bexley Park Drive

Shawn Thomas – No address

Monica Kasen – 1227 NE 8<sup>th</sup> Avenue

## **7. PRESENTATION**

None

## **8. QUASI-JUDICIAL HEARING**

**A. Abandonment of Right-of-Way (Alley) (2019-209-ABR-CCA)** Consideration of a privately requested Abandonment of Right-of-Way (Alley) for a 1,590sf portion of a 12' platted alley located approximately 125' south of the intersection of SE 2<sup>nd</sup> Street and SE 3<sup>rd</sup> Avenue.

Kent Walia, Senior Planner entered the file 2019-209 into the record.

### **Exparte Communication**

None

### **Applicant Presentation**

Tyler Knight, Knight Group

Mike Covelli, Representing the residents

### **Staff Presentation**

Debora Slaski, Planner presented through a Power Point presentation.

### **Public Comments**

James Quilan – 925 SE 2<sup>nd</sup> Avenue

Ken Ropp – 217 SE 3<sup>rd</sup> Avenue

Mitch Katz – No address

Dean Marotta – 213 SE 2<sup>nd</sup> Avenue

### **Board Comments**

Christina Morrison – Have we heard from the owner that is south of the property?

**REMARK.** I thought alleyways could not be abandoned through the LDRs.

## **MOTION**

**Move a recommendation of approval** for the request for the abandonment of right-of-way of a 1,590 sf portion of a 12' wide platted alley located north of 206 SE 3rd Avenue, which is Lot 15, of block 87, as recorded in the plat of Linns Addition to Osceola Park, by adopting the findings of fact and law contained 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 Section 2.4.6(M)(5) of the Land Development Regulations, subject to a 12' x 132.5' general utility easement being recorded for the abandonment area,

which would require City Commission approval if it ever need to be amended by Jay Jacobson, seconded by Julen Blankenship with the following condition:

- Relocated and dedicated the Right-of-Way through the City parking lot to accommodate the code of ordinance for relocation of the alley.

**MOTION CARRIED 5-0**

**B. Swinton Avenue Properties, Ordinance No. 25-19 (2019-44)** Provide a recommendation to the City Commission of Ordinance No. 25-19 for a rezoning from Single-family Residential, R-1-AA to Single-family Residential, R-1-AB for four properties, referred to as Swinton Avenue Properties, including 2201, 2275, and 2315 North Swinton Avenue, and an adjacent, unaddressed property north of 2315 North Swinton Avenue.

Amy Alvarez, Senior Planner entered the file 2019-044 into the record.

**Exparte Communication**

None

**Applicant Presentation**

Mike Covelli, Covelli Designs

**Staff Presentation**

Amy Alvarez, Senior Planner presented through a Power Point presentation.

**Board Comments**

Robin Bird: Are you using Tangerine Trail?

Response: Rezoning will gain 2/lots.

Jay Jacobson: If the property remains R1AA is the LDR restriction on massing the same?

Response: There will be a difference in the lot size.

Robin Bird: The internal roads, are they both private?

Response: It will be used for drainage and utilities.

**Public Comments**

Linda Oxford

Carl Dicky

Shan Thomas

Josh Weaver

Robert Gallr

Martha Rogge

Charles Flack

Roger Stocks

Howard Dennis

Rick Quist

Niki Kanarodiou

Garland Williams

Philip Colnon

Melody Lunsford

JP Listick

Jamie Bergida  
Sarena Morelio  
Carol Anderson

Mitch Katz  
Greg Marino  
Beth Brown

Gale Anderson

### **Additional Staff Comments**

Anthea Gianniotis, Principal Planner: Plat will come back to the board after rezoning.

### **Rebuttal**

Mike Covelli (responding to public comments):

- Burden on Taxpayer: City does not maintain the area.
- Tree survey: Yes
- Traffic: Letter from County of approval.
- Lot Size: Not being deceptive.
- Drainage: Maintained on site.
- Relief of the 40' ROW: This is a City road.
- Call Property Commercial: No they are not.

### **Board Comments**

Julen Blankenship: Public is encouraged to come to the Commission meeting.

Christina Morrison: Would like the attachment, Part 3 explained.

### **MOTION**

Recommend approval to the City Commission for the rezoning from Single-family Residential (R-1-AA) to Single-family Residential (R-1-AB) for four properties, referred to as Swinton Avenue Properties, including 2201, 2275, and 2315 North Swinton Avenue, and an adjacent, unaddressed property north of 2315 North Swinton Avenue, by finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations by Jay Jacobson and seconded by Robert Long.

**MOTION FAILED 2-3, Julen Blankenship, Christina Morrison and Robin Bird dissenting.**

**C. 1060 Del Harbour Drive, (2019-215)** Provide a recommendation to the City Commission on Ordinance 24-19 regarding a Future Land Use Map Amendment from Low-Density Residential (LD) to Medium-Density Residential (MD) for the property located at 1060 Del Harbour Drive.

Amy Alvarez, Senior Planner entered file 2019-215 into the record.

### **Exparte Communication**

Christina Morrison: Met with Tom Carney

**Applicant Presentation**

Tom Carney, attorney for the applicant

Until we brought forth this applicant, now there is a conflict between Land Use and Zoning Designation.

**Staff Presentation**

Amy Alvarez, Senior Planner presented through a Power Point presentation.

**Public Comments**

Maureen Bowen

Ted Ackerman

Chris Davey

Maureen Turner

Carol Anderson

Tim Picken, President of HOA

**Board Comments**

None

**MOTION**

Recommend approval to the City Commission for the small scale FLUM Amendment from Low-Density Residential (LD) to Medium-Density Residential (MD) for a 0.33± acre parcel of land located at the southwest corner of South Ocean Boulevard and Del Harbor Drive, and positive findings can be made that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Sections 2.4.5(A) and 3.1.1 of the Land Development Regulations. Motion made by Robert Long and seconded by Christina Morrison.

**MOTION CARRIED 5-0**

**D. 13555 S. Military Trail (2019-220-AMX-CCA), (2019-218-FLM-CCA),**

**(2019-219-REZ-CCA)** Provide a recommendation to the City Commission on a privately-initiated petition for a Voluntary Annexation of a 3.54-acre parcel from Palm Beach County, a Future Land Use Map amendment from Palm Beach County Commercial High (CH-5) to City of Delray Beach General Commercial (GC), and rezoning from Palm Beach County General Commercial (GC) to City of Delray Beach General Commercial (GC).

Rebekah Dasari, Senior Planner entered file (2019-220), (2019-218), and (2019-219) into the record.

**Exparte Communication**

None

**Applicant Presentation**

Brian Seymour, Attorney for the applicant

**Staff Presentation**

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

**Public Comments**

Carol Anderson

Thomas Holloran

**Board Comments**

None

**MOTION**

**Annexation.** Move a recommendation of approval of Ordinance No. 21-19, a privately-initiated request to annex 3.57 acres from Palm Beach, 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 by Christina Morrison and seconded by Jay Jacobson.

**MOTION CARRIED 5-0.**

**FLUM (Future Land Use Map) Amendment.** Move a recommendation of approval of Ordinance No. 22-19, a privately-initiated request for a Future Land Use Map amendment from Palm Beach County CH-5 - Commercial High to City of Delray Beach General Commercial (GC), 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 by Christina Morrison and seconded by Jay Jacobson.

**MOTION CARRIED 5-0**

**Rezoning.** Move a recommendation of approval of Ordinance No. 23-19, a privately-initiated request to rezone from Palm Beach County General Commercial (GC) to City of Delray Beach General Commercial (GC), 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 by Christina Morrison and seconded by Jay Jacobson.

**MOTION CARRIED 5-0**

**9. LEGISLATIVE ITEMS – CITY INITIATED**

**A. Construction Parking, Ordinance 20-19 (2019-203)** Review Ordinance No. 20-19, a City-initiated amendment to the Land Development Regulations, amending Section 4.4.3. “Single family (R-1) districts,” to delete subsection I (10), amend subsections I (11) and (12), and to add Section 7.1.8. “Construction parking” to establish regulations for on-site and off-site construction parking and provide a recommendation to the City Commission.

Anthea Gianniotis, Principal Planner entered file 2019-203 into the record and presented the project.

**Exparte Communication**

None

**Public Comments**

None

**Board Comments**

None

**MOTION**

Recommend Approval to the City Commission of Ordinance No. 20-19, a City-initiated amendment to the Land Development Regulations, amending Section 4.4.3. “Single family (R-1) districts,” to delete subsection (10) and to add Section 7.1.8. “Construction parking” to establish regulations for on-site and off-site construction parking, by finding that the amendment is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M) by Jay Jacobson and seconded by Robert Long.

**MOTION CARRIED 4-1**

## **9. REPORTS AND COMMENTS**

### A. Staff

- Comp Plan – August 20 – City Commission
- Next meeting – August 19

### 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 10:15 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 **July 15, 2019** which were formally adopted and APPROVED by the Board on **December 16, 2019**.

*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.)*