

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

MEETING DATE: January 27, 2020

MEETING PLACE: Commission Chambers, City Hall

1. CALL TO ORDER

The meeting was called to order by Kevin Osborn at 6:00 P.M.

2. ROLL CALL

A quorum was present.

Members Present: Kevin Osborn (Chairperson), Rob Long (Vice Chairman). Joy Howell (1st Vice Chairman), Juli Casale, Julen Blankenship, Alex DeAngelis, and Daniel Stepner.

Members Absent: None

Staff Present: Amy Alvarez, Principal Planner; Kent Walia, Senior Planner; Rebekah Dasari, Senior Planner; Debora Slaski, Planner; Terrill Pyburn, Legal Counsel; William Bennett, Asst. City Attorney and Diane Miller, Board Secretary.

3. APPROVAL OF AGENDA

Motion to approve the January 27, 2020 agenda made by Julen Blankenship and seconded by Daniel Stepner.

ALL IN FAVOR

4. MINUTES

MOTION to approve minutes for August 19, 2019 was made by Rob Long and seconded by Alex DeAngelis.

ALL IN FAVOR

5. SWEARING IN OF THE PUBLIC

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

None

7. PRESENTATION

None

8. QUASI-JUDICIAL HEARING ITEMS

A. Planned Care Home II (2020-033 USE-PZB) Provide a recommendation to the City Commission regarding a request for a Conditional Use approval to establish a Community Residence at 727 Place Tavant.

Exparte:

All board members met with staff.

Kent Walia, Senior Planner, entered the file 2020-033-USE-PZB into the record. Also attending is Terrill Pyburn our Legal Counsel for the City of Delray Beach.

Applicant Presentation

Steve Mullings – Planned Care Agency

Ron East – Owner and facilitator

Staff Presentation

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

Public Comments

Clifford Durden – 702 E. Chatelaine Blvd.

Patricia Roth – 533 Ecal Court

Emanuel Fleurantin – 3448 Chatelaine Blvd.

Bill Nix – 3430 Chatelaine Blvd.

Debra Satin – No address

Jimmy Caton – No address

Vivan Tacker – 5294 Copperleau Circle

Mitch Morales – 3500 Chatelaine Blvd.

Marcel Desir – 719 Place Tavant

Claudette Alexander – 3412 Pl. Valencay

Tim Gardner – 732 Avenue Chamont

Alice Finst – 707 Place Tavant

Jane King Milner – No address

Carol Flanigan – 1520 NW 22nd Avenue (son lives at this group home)

Joseph Lewis – 3101 Angler Drive

Staff Comments

Terrill Pyburn, Legal Counsel for the City of Delray Beach. – Commented that there would be no rezoning.

Has applied for family residence – Long term stay.

No increase in the number of family members.

Rebuttal

Ron East – When looking at the residents, they are family.

Board Comments

Julen Blankenship – The length of the business is from January 2019.

Alex DeAngelis – Has the business caused any: Crime-0, Code Violations-0.

Daniel Stepner – Staffing-4 now and maximum 6. Staff cars-2.

Julen Blankenship – This property was noticed.

Alex Deangelis – HOA-yes. Owner has not met with everyone at the HOA yet.

Kevin Osborn – Conditional Use will go with property.

Julien Blankenship – This business needs an annual certification.

Kevin Osborn – Are there any drivers? NO

Rob Long – Cannot see how this would change the neighborhood.

Motion to recommend APPROVAL to the City Commission of the Conditional Use Permit request for a Community Residence (Planned Care Home II) located at 727 Place Tavant as amended, by finding that the request is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations; with the condition that the applicant must provide updated the AHCA license that lists the 727 Place Tavant address, and an APD license that lists approval of 6 residents within 45 days of City Commission approval made by Julien Blankenship and seconded by Rob Long.

MOTION CARRIED 5-2, Dissenting Juli Casale and Joy Howell

B. 7-Eleven at Via Delray (2020-005-USE and 2020-061-USE): Provide a recommendation to the City Commission on a request for Conditional Use approval for a Convenience mart (gasoline station with food sales) and a recommendation for a separate request for Conditional Use approval for 24-hour or Late Night Businesses.

Rebekah Dasari, Senior Planner, entered the file into the record (2020-005-USE and 2020-061-USE)

Application Presentation
Joshua Long, Gunster

Staff Presentation

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

Public Comments

None

Board Comments

Kevin Osborn – Will there be a self-service car wash? Kiosk.

MOTION to recommend approval to the City Commission of Resolution 21-20, a Conditional Use request to allow a gasoline station at 13555 S. Military Trail, finding that the request is consistent with the Land Development Regulations and the Comprehensive Plan. by Daniel Stepner and seconded by Joy Howell

MOTION DENIED 7-0

MOTION to recommend approval to the City Commission of Resolution 22-20, a Conditional Use request to allow a 24-hour or Late Night Business at 13555 S. Military Trail, finding that the request is consistent with the Land Development Regulations and the policies of the Comprehensive Plan. by Daniel Stepner and seconded Joy Howell.

MOTION CARRIED 7-0

C. NW 600 Block Redevelopment, Ordinance Nos. 08-20 (fka 41-19) and 09-20 (fka 42-19) (2019-264, 2019-265): Provide a recommendation to the City Commission regarding a small-scale Future Land Use Map Amendment from Low Density (LD) to Commercial Core (CC), and a rezoning from Single-family Residential (R-1-A) to Central Business District (CBD) for five parcels totaling approximately 0.752 acres.

Address: 26 NW 6th Avenue, 32 NW 6th Avenue, 34 NW 6th Avenue, 27 NW 7th Avenue, and 31 NW 7th Avenue

Exparte: None

Amy Alvarez, Principal Planner submitted File 2019-265, 2019-264 into the record.

Applicant Presentation

Tara Tota - CRA

Staff Presentation

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

Public Comments

Marsh McClern

Staff Comments

Amy Alvarez – Talked about stability.

Board Comments

None

MOTION for a recommendation of approval of Ordinance No. 41-19, a request for a Future Land Use Map (FLUM) amendment from Low Density (LD) 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. made by Julen Blankenship and seconded by Alex DeAngelis.

MOTION CARRIED 5-2, Dissenting Joy Howell and Daniel Stepner

MOTION for a recommendation of approval of Ordinance No. 42-19, a request for a rezoning from Single-family Residential (R-1-A) 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 made by Julen Blankenship and seconded by Alex DeAngelis.

MOTION CARRIED 6-1 Dessenting Joy Howell

LEGISLATIVE ITEMS – CITY INITIATED

A. Subgrade Parking LDR Amendment (2020-075): Provide a recommendation to the City Commission on a City-initiated amendment to the Land Development Regulations to provide standards for subgrade parking facilities.

Rebekah Dasari, Senior Planner entered the file 2020-075 into the record.

Board Comments

Juli Casale – How are they going to keep the water out.

Alex DeAngelis – He would see that there would be constant pumping.

MOTION to recommend approval to the City Commission of Ordinance No.10-20, amending Section 4.3.4 “Base District Development Standards”, Subsection 4.3.4(H)(4) “Setbacks”, Section 4.4.13 “Central Business District”, Subsection 4.4.13(D) “Configuration of buildings”, and Section 4.6.9 “Off-street parking regulations”, Subsection 4.6.9(D)(1) “Design standards” of the Land Development Regulations, 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 Julen Blankenship and seconded by Alex DeAngelis.

MOTION FAILED 7-0

9. REPORTS AND COMMENTS

A. Staff

Next meeting is February 24.

B. Board

No Comments

C. Attorney

No Comments at this

XI. ADJOURN

There being no further business to come before the Board, the meeting was adjourned at 8:30PM.

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 January 27, 2020 which were formally adopted and **APPROVED** by the Board on **December 14, 2020.**

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 or a digital copy may be purchased at City Hall.)

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