

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

MEETING DATE: August 17, 2020

MEETING PLACE: Commission Chambers, City Hall

1. CALL TO ORDER

The meeting was called to order by Kevin Osborn at 6:17 P.M.

2. ROLL CALL

A quorum was present.

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

Members Absent: None

Staff Present: Amy Alvarez, Principal Planner; William Bennett, Asst. City Attorney, Rebekah Dasari, Senior Planner; Debora Slaski, Senior Planner, Kent Walia, Senior Planner, Missy Barletto, Public Works Director and Diane Miller, Board Secretary.

3. MINUTES

MOTION to approve minutes for November 18, 2019 was made by Julen Blankenship and seconded by Joy Howell.

ALL IN FAVOR

4. APPROVAL OF AGENDA

Motion to approve the August 17, 2020 agenda made by Joy Howell and seconded by Julen Blankenship.

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

A. Annual Infrastructure Improvement Hearing Report: Review the comments submitted by the public and recommend which projects should be forwarded to City Staff for evaluation and inclusion in 2020-2025 Capital Improvements Plan (CIP).

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

Amy Alvarez, Principal Planner entered the file into the record.

Public Comments (Comments were submitted through the P&Z Comment Line)

Jason Bregman – 227 Lake Terrace

Christine Morrison – 2809 Florida Blvd.

Michael Nuhau – 622 SE 4th Avenue

Jack Indekeu - 419 NE 8th Avenue

Laurie Bericourt – 10626 Larina Road

Board Comments

- Julen Blankenship-What is happening with the parking garage elevators?
 - Missy Barletto-Elevators in Old School Square have been updated & working. The Federspil garage temporarily working. An Electrical problem.
- Joy Howell-The repaving of Swinton Avenue is great.
 - Missy Barletto-N. Swinton is under design.
- Daniel Stepner-Linton east near the railroad tracks, the lanes are not clear.
 - Missy Barletto-Linton(county) and Federal (FDOT)
- Joy Howell-Delray Market Place on Linton and Federal, is there a traffic study? Is tree planting part of the infrastructure?
 - Missy Barletto-I will get a copy to the board and tree planting is going to be limited.
- Daniel Stepner-I have read 'Human Power Delray'. What has been included to the CIP?
 - Missy Barletto-A lot is coming for the new year.

8. QUASI-JUDICIAL HEARING ITEMS

A. New Generation Montessori (2020-200-USE): Provide a recommendation to the City Commission for a Conditional Use request to allow for the New Generation Montessori daycare center located 326 NW 7th Avenue to expand its services to 330 NW 7th Avenue within a R-1-A Single-Family Residential zoning district.

PCN: 12-43-46-16-01-001-0040

Address: 330 NW 7th Avenue Agent: Bradley Miller, AICP; bmillier@udsflorida.com

Planner: Kent Walia, Senior Planner; waliak@mydelraybeach.com

Exparte Communication

None

Applicant Presentation

Bradley Miller, Urban Design

Staff Presentation

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

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

Shirley Johnson-701 NW 4th Street
Sandra English-333 NW 8th Avenue
Connie Modeif-323 NW 7th Avenue

Board Comments

- Daniel Stepner-There was a table in the LDR's regarding square footage. It said 75sq.ft per child in city and 45sq.ft. per child in county.
- Bradley Miller-To add to the discussion, the Health Department has recently changed their regulations.
- Julen Blankenship-Will they be expanding the existing parking? Also, any traffic problems.

Motion to recommend denial to the City Commission of the Conditional Use request for the expansion of New Generation Montessori Daycare located at 326 & 330 NW 7th Avenue, by finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria set forth in the Land Development Regulations made by Joy Howell and seconded by Julen Blankenship.

MOTION CARRIED 5-1. Daniel Stepner Dissented

B. 13029 Barwick Road (2020-152, 153, 154-ANX-REZ-LUM-CCA): Voluntary Annexation (Ordinance No. 46-20) of a one-acre parcel from Palm Beach County, Land Use Map Amendment (Ordinance No. 47-20) from Palm Beach County Medium Residential 5 dwelling units per acre (MR-5) to City of Delray Beach Low Density 0-5 units per acre (LD); and Rezoning (Ordinance No. 48-20) from Palm Beach County Agricultural Residential (AR) to City of Delray Beach Single-Family Residential (R-1-AA).

Address: 13029 Barwick Road Agent: Keiser Legal/ Andrea Keiser;
andrea@keiserlegal.com

Planner: Debora Slaski, Senior Planner; SlaskiD@mydelraybeach.com

Debora Slaski, Senior Planner, entered the file 2020-152, 153, 154-ANX-REZ-LUM-CCA into the record.

Exparte Communication

None

Applicant Presentation

Andrea Keiser-Keiser Legal

Staff Presentation

Debora Slaski, Senior Planner presented the project through a PowerPoint presentation.

Public Comments

None

Board Comments

None

Annexation

Motion to move a recommendation of **approval** of Ordinance No. 46-20, a privately initiated request to annex a one-acre site from Palm Beach County, by finding that the annexation request is consistent with the Comprehensive Plan and meets the Land Development Regulations the made by Daniel Stepner and seconded by Julen Blankenship.

MOTION CARRIED 6-0

Land Use

Motion to move a recommendation of approval of Ordinance No. 47-20, a privately-initiated request for a Land Use amendment from Palm Beach County MR-5 – Medium Residential to City of Delray Beach Low Density (LD), by finding that the amendment request is consistent with the Comprehensive Plan and meets the Land Development Regulations made by Joy Howell and seconded by Alex DeAngelis.

MOTION CARRIED 6-0

Rezoning

Motion to move a recommendation of approval of Ordinance No. 48-20, a privately initiated request to rezone from Palm Beach County Agricultural Residential (AR) to City of Delray Beach Single Family Residential (R-1-AA), by finding that the rezoning is consistent with the Comprehensive Plan and meets the Land Development Regulations by Julen Blankenship and seconded by Daniel Stepner.

MOTION CARRIED 6-0

C. Doc's Place (2020-137, 2020-138): Provide a recommendation to the City Commission on Ordinance No. 34-20 for a small-scale Land Use Map Amendment from Historic Mixed Use (HMU) to Commercial Core (CC), and on Ordinance No. 35-20 for a rezoning from Old School Square Historic Arts District (OSSHAD) to Central Business District (CBD) with associated amendments to the Land Development Regulations (LDR) for two parcels totaling approximately 0.57 acres.

Address: Unaddressed Parking Lot and 37 West Atlantic Avenue (Block 60, Lots 13-15), Old School Square Historic District

Agent: John W. Szerdi, Architect for Banyan Fund, LLC; john@ldgfla.com and Neil Schiller; Neil.Schiller@saul.com

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

Exparte Communication

None

Amy Alvarez, Principal Planner, entered File 2020-138 FLUM and 2020-137 Rezoning into the record.

Applicant Presentation

Neil Schiller-Architect

John Szerdi-Architect

Staff Presentation

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

Public Comments

Amy Alvarez gave the board emails from the public prior to the meeting.

Messages from the comment line:

Mitchell Katz-W. Classical Blvd.

John Miller-1502 Fenton Drive

Roger Cope-701 SE 1st Street

Christine Morrison-2809 Florida Blvd.

Max Weinbert-1041 Seaspray Avenue

Sandy Zeller-209 NW 12th Street

Rebuttal/Cross Examination

- Neil Schiller to Amy Alvarez-
Were you at the Historic Preservation Meeting on July 1, 2020?
 - Amy Alvarez-Yes, I presented.
- Neil Schiller-Do you agree that there was a lot of discussion about preserving Doc's and their desire to make that a condition of approval?
 - Amy Alvarez-I believe that was the discussion.
- Neil Schiller-Another part of the discussion was how they could limit the FAR of the (2) parcel and the Doc's parcel.
 - Amy Alvarez-I don't recall that specifically.
- Neil Schiller-At Historic Preservation Board meeting, there was a lot of discussion supporting the project while preserving Doc's.
 - Amy Alvarez-The LDR amendments referring to the FAR limitations were not in the LDR amendments that the HPB considered, they are new as being considered by the P&Z Board. They were also not part of the consideration of
- Neil Schiller-There was some talk about how the board should not approve this project because we have not submitted site plan application.

Amy Alvarez-Not sure what Christine Morrison (Public Comment) was referring to about that the land use has not changed.

Board Comments

- Joy Howell-The project is a complicated issue and it has changed but I think we should respect the vote of 7-0 from the Historic Preservation Board. Ask the applicant to work with the HPB Board.
- Kevin Osborn-I think that the HPB would have been in favor of the project if they could have put in a condition for it to stay a contributing structure as part of the recommendation.
- William Bennett-Doc's is not one of the elements for rezoning analysis and HPB might have other elements that they might look at compare to what P&Z might look at.
- Amy Alvarez-Most of the members of the HPB were looking to preserve the site.
- Daniel Stepner-The only (2) parcels in discussion are Dunkin Donuts and the parking lot.
- Rob Long-Need to look at other boards for guidance.
- Joy Howell-Looking at a piece meal approach.
- Kevin Osborn-What do you mean by "piece meal"?
- Joy Howell-We need to be looking at this a little more holistically.
- Julen Blankenship-I think HPB is tasked differently than the PZ Board.
- Alex DeAngelis-Doc's is a landmark. West of it is important.
- Kevin Osborn-Doc's is eligible to be contributing but is not at this moment.
- Rob Long-Remember that this project will go back to HPB.
- Julen Blankenship to William Bennett-We cannot condition a recommendation but what kind of language can we insert to amend a recommendation to include something about the Doc's parcel.
- William Bennett-To assist the board with some language *"Positive findings are made with the inclusion of Doc's as a historic designation where positive finding is not made if Doc's is not a designating contributing structure."*

MOTION to move a recommendation of approval to the City Commission of Ordinance No. 34-20, a request for a Future Land Use Map amendment from Historic Mixed use (HMU) to Commercial Core (CC) for Doc's Place, 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.

AMEND the motion to include the clarification that Doc's Place is consisting of Lots 13,14 & 16 made by Julen Blankenship and seconded by Alex DeAngelis.

MOTION CARRIED 5-1 (Joy Howell dissented)

MOTION to move a recommendation of approval to the City Commission of Ordinance No. 35-20, a request for a rezoning from Old School Square Historic Arts Districts (OSSHAD) to Central Business District (CBD) and associated amendments to the Land Development regulations for Doc's Place, 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 5-1 (Joy Howell dissented)

D. Silver Terrace Land Use Map Amendment (2020-213-FLUM): Provide a recommendation to the City Commission on Ordinance No. 37-20, a City-initiated Land Use Map Amendment (LUMA) from Low Density (LD) to General Commercial (GC), Medium Density (MD), and Transitional (TRN) land use designations to correct a scrivener's error.

Location: 61 parcels, all within the Silver Terrace Special Activities District (SAD) zoning district, located southeast of the intersection of SE 10th Street and Old Dixie Highway.
Planner: Rebekah Dasari, Senior Planner; dasarir@mydelraybeach.com

Exparte Communication

None

Staff Presentation

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

Public Comments

None

Board Comments

None

MOTION to recommend **approval** to the City Commission of Ordinance No. 37-20, amending the Land Use Map for the 61 parcels listed in Exhibit A, which are located at the southeast corner of the intersection of SE 10th Avenue and Old Dixie Highway, from Low Density (LD) to General Commercial (GC), Medium Density (MD), and Transitional (TRN) land use, 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 Joy Howell and seconded by Daniel Stepner.

MOTION CARRIED 6-0

9. REPORTS AND COMMENTS

A. Staff

- Next meeting September 21
- Kevin Osborn termed out. Today is his last meeting.

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 11:00PM.

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 **August 17, 2020** which were formally adopted and **APPROVED** by the Board on **February 22, 2021.**

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.