

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

**MEETING DATE:** September 21, 2020

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

**1. CALL TO ORDER**

The meeting was called to order by William Bennett, Assistant City Attorney at 6:08 P.M.

**2. ROLL CALL**

A quorum was present at call to order.

***Members Present:*** Rob Long, Joy Howell, Julen Blankenship, Alex DeAngelis, Max Weinberg, Allen Zeller and Chris Davey.

***Members Absent:*** None

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

**3. ELECTION OF OFFICERS**

William Bennett described the process for the election of Board officers.

**MOTION** to nominate Chris Davey as Chairman made by Joy Howell and seconded by Allen Zeller.

**MOTION** to nominate Rob Long as Chairman made by Julen Blankenship and seconded by Max Weinberg.

Chris Davey and Rob Long each gave a brief introductory speech.

**VOTE**

Rob Long for Rob Long

Alex DeAngelis for Chris Davey

Joy Howell for Chris Davey

Julen Blankenship for Rob Long

Max Weinberg for Chris Davey

Allen Zeller for Chris Davey

Chris Davey for Chris Davey

**MOTION CARRIED 5-2 and Chris Davey was selected as Chairman.**

**MOTION** to nominate Rob Long as Vice Chairman made by Allen Zeller and seconded by Max Weinberg.

**MOTION CARRIED 7-0 and Rob Long was selected as Vice Chairman.**

**MOTION** to nominate Joy Howell as 2<sup>nd</sup> Vice Chairman made by Julen Blankenship and seconded by Alex DeAngelis.

**MOTION CARRIED 7-0 and Joy Howell was selected as 2nd Vice Chairman.**

#### **4. APPROVAL OF AGENDA**

**MOTION** to approve the September 21, 2020 agenda made by Julen Blankenship and seconded by Joy Howell.

**MOTION CARRIED 7-0**

#### **5. MINUTES**

**MOTION** to approve minutes for December 16, 2019 was made by Julen Blankenship and seconded by Joy Howell.

**MOTION CARRIED 7-0**

#### **6. 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.

#### **7. COMMENTS FROM THE PUBLIC**

None

#### **8. PRESENTATION**

Florida Sunshine Laws and their applicability to Board members were presented by William Bennett.

#### **9. PRESENTATION**

**Parking and Curbside Management Plan:** Staff provided an update on the Parking and Curbside Management Plan. This project is entering a public input phase and the City requests assistance from advisory boards in distributing a survey.

Planner: Brian Ruscher, Transportation Planner

## **10. QUASI-JUDICIAL HEARING ITEMS**

**A. Aura Delray Beach (2020-247-USE):** Provide a recommendation to the City Commission for a Conditional Use request to allow the maximum height to increase from 48 feet to 55 feet' for buildings 3,4,5 and 6 for the proposed Aura Delray Beach development.

PCN: 12-43-46-18-00-000-5090, -5101, -5110, -5111, -5120, -5122, -1190, -5100

Location: Northwest corner of the intersection of North Congress Avenue and West Atlantic Avenue (generally)

Agent: Bonnie Miskel Esq., and Beth Schrantz (Dunay, Miskel, Backman, LLP)

Planner: Kent Walia, Senior Planner

Kent Walia, Senior Planner, entered File 2020-247 into the record.

### **Exparte Communication**

Max Weinberg-Drive by

### **Applicant Presentation**

Bonnie Miskel, Attorney

Beth Schrantz-Dunay, Miskel, Backman

### **Staff Presentation**

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

### **Public Comments**

No messages were left on the P&Z Comment Line.

### **Board Comments**

- Max Weinberg asks if the item only relates to the building height.
  - Kent Walia: The conditional use request for the additional height is the only item before the board. Any additional specific questions regarding the project will go before the SPRAB board.
- Max Weinberg asks if the development contract is contingent upon this or any other board to approve the request.
  - Bonnie Miskel stated as she is not the Developers Transactional Attorney, and I know that it is under contract, I do not know the terms or specifications related to the contract.
- Max Weinberg asks if the applicant anticipates an increase in school children.
  - Ken Walia: The increase will not have any detrimental effect on the surrounding schools in the area.
- Rob Long commented on the Visibility Angel from Atlantic Avenue. It shows that the line of sight is at 60 feet. If it was decreased to 55 feet, would that be visible from the road?
  - Bonnie Miskel does not think so.
- Joy Howell asks if the use of this project is a settled issue for the City Commission.
  - William Bennett: At this point it is not a settled issue.

- Joy Howell asks what the ideal mix of uses is on the site.
  - Ken Walia: This is more a live-work area.
- Rob Long asks if there has been any development activity on the property since it was annexed 30 years ago.
  - Ken Walia: It has mostly been vacant.
- Julen Blankenship comments that on September 10, 2020, the City Commission allowed a maximum height of 60 feet but the staff report also has 55 feet. Which height is correct?
  - Ken Walia: It is 55 feet, the overlay allows up to 60 feet but the conditional use findings are 55 feet, and the applicant requested a justification statement only for Buildings 3,4,5 & 6.
- Allen Zeller asks if workforce housing will be part of the SAD.
  - Bonnie Miskel: 25% of the units will be workforce housing, distributed throughout the development.

**MOTION** to recommend approval to the City Commission of the Conditional Use request for the increase to the maximum allowable height of 55 feet for Aura Delray Beach, located generally at the northwest corner of the intersection of Congress Avenue and West Atlantic Avenue, by finding that the request is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations made by Julen Blankenship and seconded by Alex DeAngelis.

**MOTION CARRIED 6-1. Joy Howell dissenting**

## **11. LEGISLATIVE ITEMS**

**A. CBD Railroad Corridor Sub-District LDR Amendments (2020-093-LDR):** Provide a recommendation to the City Commission on Ordinance No. 52-20, a privately-initiated request to amend the Land Development Regulations (LDR) Section 4.4.13, Central Business District (CBD), regarding automated parking garages, height of rooftops, maximum number of building stories and height, upper story front setbacks, and density within the Railroad Corridor Sub-district, and additional amendments regarding revised parking requirements applicable to all CBD Sub-districts.

Applicant: 1st Avenue Capital 301 LLC

Authorized Agent: Christina Bilenki (Dunay, Miskel, Backman, LLP)

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

### **ITEM 11.A POSTPONED AT THE APPLICANT'S REQUEST.**

**B. Bicycle Racks LDR Amendment (2020-151):** Provide a recommendation to the City Commission on Ordinance No. 29-20 regarding a City-initiated request to amend and update the Land Development Regulations (LDR) regarding the citywide requirements for bicycle parking and accompanying facilities.

Planner: Brian Ruscher, Transportation Planner

Planner: Amy Alvarez, Principal Planner

**Exparte Communication**

None

Brian Ruscher, Transportation Planner, entered File 2020-151 into the record.

**Staff Presentation**

Brian Ruscher, Transportation Planner, presented through a PowerPoint presentation.

**Board Comments**

- Julen Blankenship-Does the LDR's talk about the rentals in the downtown area?
  - Brian Ruscher-No, this does not enable any of that activity in the downtown area.
- Max Weinberg-Bikes are great, but I have a concern about the showers. I think the City would be in a different business than providing bike retention areas. Has the City considered the additional service it will require?
  - Brian Ruscher-The showers are adjacent from the restroom facility. (example from the West Palm Beach area)
- Max Weinberg-Showers specifically for the bikers. Are these facilities locked?
  - Brian Ruscher-The interior is locked.
- Julen Blankenship -Seems that there is concern when the bikes are locked, and the person goes to the shower. Seems it is a liability concern.
  - Brian Ruscher-You can lock the bikes in a room that would be adjacent to the showers.

**MOTION** to recommend approval to the City Commission on Ordinance No. 29-20, regarding a City-initiated request to amend and update the Land Development Regulations (LDR) regarding the citywide requirements for bicycle parking and accompanying facilities, by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations with the discussion that the staff will consider the comments that were made at tonight's meeting regarding public safety made by Julen Blankenship and seconded by Joy Howell.

**MOTION CARRIED 7-0**

**C. Construction Parking and Staging LDR Amendments (2020-075):** Provide a recommendation to the City Commission on Ordinance No. 50-20, a City-initiated. amendment to LDR Section 7.1.8, Construction parking, to modify existing language. governing construction parking and provide new regulations for construction staging. Planner: Rebekah Dasari, Senior Planner

**Exparte Communication**

None

**Staff Presentation**

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

### **Public Comments**

None

### **Board Comments**

- Allen Zeller says that there should be some sort of progressive violations or punishment for roads being closed, and an evaluation of the revenue lost from prolonged road closures. There should be some closure violations.
- Max Weinberg agrees with Mr. Zeller comments, and asks if there have been any consequences for the Ray Hotel.
  - Rebekah Dasari: Anything regarding the Ray Hotel construction would refer back to the City's agreement. At this point there are no penalties.
  - William Bennett: -If an entire street were to be shut down, some type of agreement with the City would happen.
  - Amy Alvarez: The MOT plan for the Ray was processed after site plan approval.
- Chris Davey says that the City might want to consider an escalating fee for road closures as time goes on.
- Julen Blankenship asks what the role of Code Enforcement is in the staging agreement, and if an MOT is approved concurrent with a request for site plan approval the MOT would automatically be a part of the site plan.
- Allen Zeller asks if there is a fee when a developer wants to close off roads or sidewalks.
  - Amy Alvarez: Staff would need to look into this and relay it to the Commission.
- Julen Blankenship-For staff's consideration, when we are looking at road closures great than 14 days, there is nothing that says it can be extended by request. Also, why not have this as part of this site plan approval.
  - Rebekah Dasari-It would be easier than to go back and amending the site plan.
- Alex DeAngelis says that it's not possible to predict what the construction timetable will be during site plan approval.

**MOTION** to recommend approval to the City Commission of Ordinance No. 50-20, City-initiated amendments to LDR Section 7.1.8, Construction parking, to modify existing language governing construction parking and provide new regulations for construction staging, 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, as amended with conditions as discussed made by Max Weinberg and seconded by Rob Long.

**MOTION CARRIED 6-1 (Alex DeAngelis dissented)**

**D. Development Services Fees (2020-255):** Provide a recommendation to the City Commission on Ordinance No. 41-20, removing the Delray Beach Development Services Fee Schedule from the Land Development Regulations (LDRs) and establishing procedures for adopting Development Services Fees.

Planner: Rebekah Dasari, Senior Planner

**Exparte Communication**

None

**Staff Presentation**

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

**Public Comments**

None

**Board Comments**

- Max Weinberg asks if the review of fees is required every 2 years, why the last one was 5 years ago?
  - Amy Alvarez: With the so much attention toward the Comprehensive Plan, it probably was just an oversight.
- Allen Zeller says that having the fees done by resolution is a great idea.
- Max Weinberg asks if there are there regularly scheduled attempt to streamline the process.
  - Rebekah Dasari: Staff regularly evaluates policies, procedures, and regulations.

**MOTION** to recommend approval of Ordinance No. 41-20, removing the Development Services Fee Schedule from the Land Development Regulations and establishing procedures for adopting Development Services Fees, 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 Rob Long and seconded by Allen Zeller.

**MOTION CARRIED 7-0**

**12. REPORTS AND COMMENTS**

**A. Staff**

- Next Meeting: October 19, 2020
- Daniel Stepner was not reappointed to the Board; we thank him for his service.
- Welcome of New Members

**B. Board**

- Julen Blankenship asks the dates of the November and December meetings. Ms. Alvarez states that the meetings are scheduled for November 16 and December 21, 2020.
- Joy Howell asks if the meetings can be moved to 5:00pm. Ms. Alvarez says that some of the board members are not able to attend until 6:00pm because of work obligations.

**C. Attorney**

- Welcome to the new board members.

**13. ADJOURN**

There being no further business to come before the Board, the meeting was adjourned at 10:35PM.

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 **September 21, 2020** which were formally adopted and **APPROVED** by the Board on **March 15, 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.*