

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

MEETING DATE: October 19, 2020

MEETING PLACE: Commission Chambers, City Hall

1. CALL TO ORDER

The meeting was called to order by Chris Davey at 6:06 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, Alex DeAngelis, Max Weinberg and Allen Zeller.

Members Absent: None

Staff Present: Anthea Gianniotis, Development Service Director; William Bennett, Assistant City Attorney; Amy Alvarez, Principal Planner; Debora Slaski, Senior Planner; Beth Eassa, Senior Planner; and Diane Miller, Board Secretary.

3. MINUTES

None

4. APPROVAL OF AGENDA

MOTION to approve the October 19, 2020 agenda made by Joy Howell and seconded by Julen Blankenship.

ALL IN FAVOR

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. QUASI-JUDICIAL HEARING ITEMS

A. Frederick Isles Townhomes (2020-243-USE): Provide a recommendation to the City Commission regarding a Conditional Use request to increase the density from a maximum of 12 du/ac to 16 du/ac for the property located at 2621 Frederick Boulevard.
Address: 2621 Frederick Boulevard
Agent: Miles Rich, JSM Delray LLC
Planner: Elizabeth Eassa, AICP, Senior Planner

Elizabeth Eassa entered the file (2020-243) into the record.

Exparte Communication

Max Weinberg-Drive by.
Allen Zeller-Drive by.
Julen Blankenship-Drive by and spoke to staff.

Applicant Presentation

Miles Rich-General Manager
Spencer Rich-Owner

Staff Presentation

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

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

Paul Ludwig, 925 Dogwood Drive

Board Comments

- Allen Zeller asks if there will there be a HOA, and what their responsibility will be.
 - Miles Rich. Yes, there will be an HOA. This is going to be a rental community, so the HOA will be owned by the landlord (Miles Rich-Developer) and it will be responsible for the landscaping, pet control, cutting the grass, and maintenance.
- Allen Zeller asks if there will there be any access (vehicular or pedestrian) in the roundabout.
 - Miles Rich. Other than Lamat Avenue which is the main road that takes you into Tropic Isles, the sidewalk that runs across the street from Frederick Blvd along that wall of Grieco Chevrolet, which is across the street from this proposed development. We also will be extending a sidewalk on the front of our property. There is an existing sidewalk where Tropic Cay is and we will be extending that sidewalk. The roundabout has an existing sidewalk.

The Board had to break for technical difficulties. The meeting was not streaming.

Board Comments (cont')

- Allen Zeller asks which unit would be designated as workforce housing.
 - Miles Rich. After speaking with Ferline Mesidort, Neighborhood Services, the designated unit would be a floater.
- Allen Zeller asks who will regulate to ensure that the development is adhering to the workforce housing requirement.
 - Miles Rich. The Delray Beach Housing Authority.
- Allen Zeller asks if the garages are considered part of parking.
 - Miles Rich. It would be a choice of the tenant of how they use their garage.
- Allen Zeller asks if there is on-street parking on Frederick?
 - Miles Rich. No. If there are more cars, they could use the apron.
- Allen Zeller asks where extra guests park.
 - Elizabeth Eassa: Applicant is providing an extra parking space.
- Chris Davey asks if there is on-street parking, or overnight parking.
 - No comment.
- Max Weinberg asks if there is any signage as you enter (Frederick Boulevard) saying there is no exit.
 - Miles Rich. There is no signage at this time.
- Max Weinberg asks if the rendering of the building is what it will look like or could look like.
 - Miles Rich. The color is the last part of the building.
- Joy Howell asks how the workforce housing is monitored.
 - Amy Alvarez. Neighborhood Services works with the property owners.
- Joy Howell asks what the size of the backyard is, and if it's big enough for a pool.
 - Miles Rich. The yard is 21 feet by 32 feet.
- Chris Davey asks if the project will be developed as fee simple.
 - Miles Rich. Yes, they will be fee simple.

MOTION to recommend **approval** to the City Commission of a Conditional Use request for Frederick Isles Townhomes to increase the maximum density from 12 dwelling units per acre to sixteen dwelling units per acre, for the property located at 2621 Frederick Boulevard, finding that the request is consistent with the Land Development Regulations and the Comprehensive Plan made by Rob Long and seconded by Alex DeAngelis.

MOTION CARRIED 6-1. Allen Zeller dissented

8. LEGISLATIVE ITEMS

A. CBD Oil Establishments LDR Amendments (2021-015): Provide a recommendation to the City Commission regarding Ordinance No. 58-20, a City-initiated amendment to the Land Development Regulations, to establish regulations for cannabidiol ("CBD Oil Establishments") by amending Section 4.3.3 "Special Requirements for Specific Uses," by adding subsection 4.3.3 (CC), "CBD Oil Establishments"; amending Section 4.4.9 "General Commercial (GC) District," Section 4.4.12 "Planned Commercial (PC) District", Section 4.4.13 "Central Business (CBD) District", (C) "Allowable uses", Table 4.4.13(A) "Allowable Uses in the CBD Sub-

districts” and 4.4.13(C)(3); Section 4.4.19, “Mixed Industrial and Commercial (MIC) District”; Section 4.4.20 Industrial (I) District, and Section 4.4.26 “Light Industrial (LI) District.”

Planner: Anthea Gianniotas, Development Services Director

Exparte Communication

None

Applicant Presentation

None

Staff Presentation

Anthea Gianniotas entered the file 2021-015 into the record.

Public Comments

None

Board Comments

- Max Weinberg-In location and CBD, it refers to other required retail streets. Are those other streets the three that you had mentioned or are they also other side streets?
 - Anthea Gianniotas. The CBD district has a designation that is current on three streets. (West & East Atlantic, A1A, Pineapple Grove Way).
- Max Weinberg-The three streets are what is carved out of where it is permitted. If this were to pass, the regulations prohibit signage that it is specifically for CBD and related products.
 - Anthea Gianniotas. Every business that comes into the City has to have a Zoning Certificate of Use in order to obtain their Business Tax.
- Max Weinberg-The signage for this particular product is not allowed.
 - Anthea Gianniotas. The signage is for accessory use.
- Julen Blankenship-Boca Raton still has its moratorium in place. Have we explored other municipalities?
 - Anthea Gianniotas. We can check on this.
- Allen Zeller-We need to get other recommendations from other boards.
- Joy Howell-I am uncomfortable on the areas of CBD (Pineapple Grove).
 - Anthea Gianniotas. There are only a small number of parcels that this would be allowed in Pineapple Grove.

MOTION to move a recommendation of approval with the amendment that we will not allow CBD establishments in the Central Business District, it will amend the Ordinance No. 58-20, a City-initiated request to amend Land Development Regulations to establish regulations for CBD Oil Establishments by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M). made by Joy Howell and seconded by Allen Zeller.

MOTION CARRIED 5-2 (Rob Long and Julen Blankenship dissenting)

B. Access Gates LDR Amendment (2020-076): Provide a recommendation to the City Commission on Ordinance No. 11-20 to update the Land Development Regulations regarding the placement of access gates on residential and nonresidential properties to provide a clear and safe path for users of the street and sidewalk.

Planner: Rebekah Dasari, Senior Planner

Brian Ruscher, Transportation Planner

Debora Slaski, Senior Planner

Exparte Communication

None

Debora Slaski, Senior Planner, entered File 2020-078 into the record.

Applicant Presentation

None

Staff Presentation

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

Public Comments

None

Rebuttal/Cross Examination

None

Board Comments

- Max Weinberg-Any proposal that would have language stating to “streamline the process” would help the staff to differentiate these various sectors that need this. Also, does this apply to all fencing gates moving forward?
- Debora Slaski-They would be grandfathered in.
- Chris Davey-On commercial property where there is 100 feet of stacking distance, if there was a business not to fall under the 100 feet, would that be with the purview of the City engineer?
- Debora Slaski-If they could not provide the 100 feet, they would have to provide a traffic study.

MOTION to recommend approval to the City Commission of Ordinance No.11-20; amending the Land Development Regulations Section 4.6.5 “Walls, fences, and hedges”, Subsection 4.6.5(A) “Relationship to Travelways”; Section 4.6.9 “Off street parking regulations”, Subsection 4.6.9(D)(3), “Point of access to the street system”, and Section 4.6.14 “Sight visibility”, Subsection 4.6.14(A) “Purpose and intent”; 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 Rob Long and seconded by Alex DeAngelis.

MOTION CARRIED 7-0

C. Signs LDR Amendment (2020-145): Provide a recommendation to the City Commission on Ordinance No. 53-20, City-initiated amendments to update the Land Development Regulations regarding signs located within the right-of-way and regulations governing reserved parking spaces.

Planner: Debora Slaski, Senior Planner

Exparte Communication

None

Staff Presentation

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

Debora Slaski made a clarification at the beginning of her presentation to split the proposed ordinance into two separate ordinances:

Ordinance No. 53-20, Signs in the Right of Way

Ordinance No. 60-20, Reserved Parking Spaces

Public Comments

None

Board Comments

- Max Weinberg asks if there are examples of free-standing signs.
 - Debora Slaski. Free standing signs are not allowed in the right of way.
- Chris Davey asks how projection signs are regulated.
 - Debora Slaski. We are not changing the size we are allowing them in the right of way.
- Chris Davey would like to see the signs consistent in the OSSHAD district.
- Joy Howell asks if signs in historic districts can get a waiver.
 - Debora Slaski. Yes, they can.
 - Anthea Gianniotis. The proposed ordinance is an effort to help the historic buildings that are not conforming.
- Joy Howell asks what the parameters are in the OSSHAD district for commercial looking signs.
 - Debora Slaski. They still have the same requirements and standards as any other sign within the city.
 - Amy Alvarez. They would still have the visual compatibility standards that are applicable to the historic district.
- Chris Davey says that for the sake of compatibility we should have one standard in the OSSHAD district and another one for the CBD.
- Joy Howell would like HPB to review these signs.
- Allen Zeller asks why Planning and Zoning can't get input from other boards first.
 - Amy Alvarez. There is a process for approval and when we go to City Commission, we do bring all the comments for their review.

- Allen Zeller says that the staff report says 8 inches for the free-standing height. Is that correct?
 - Amy Alvarez. We questioned that too, but it is correct.

MOTION to recommend approval to the City Commission of Ordinance No. 53-20, as amended, to exclude the Historic District on a City-initiated request to amend Land Development Regulations Section 4.6.7 “Signs”, Subsection (E) “Sign Design Standards”, Subsection (J), Prohibited Signs, and, amending Section 4.6.9 “Off-Street Parking Regulations”, Subsection (D) “Design Standards”, 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 Rob Long.

Amend the motion to explicitly state that the OSSHAD, Marina Historic District and the West Settlers District, do not need to apply to the Nassau Street District because there is no commercial there, made by Chris Davey and amended by Joy Howell.

Rob Long states, for the record, that he does not agree with the amendment. I feel it puts an undue hardship on struggling small business community.

MOTION CARRIED 4-3 (Alex DeAngelis, Rob Long and Julen Blankenship dissenting)

9. REPORTS AND COMMENTS

A. Staff

- This is last virtual meeting. Next meetings are November 16, 2020 and December 14, 2020.
- 2021 Board Meeting Calendar is in process.

B. Attorney

- Thanks the board for their involvement.

C. Board

- Julen Blankenship thanks the staff for their work.
- Max Weinberg-My observation is that the governing boards are discussed in isolation. Mr. Weinberg also read into the record a statement concerning the Always Delray Comprehensive Plan regarding 3.5, 3.5.3-Form Base Code and 2.2.2., and suggested a workshop on codes and processes.
- Kelly Brandon-We can bring this to another meeting.
- Julen Blankenship-Need clarification of what is being requested.
- Max Weinberg-To clarify, LDR Section 2.2.2 E(6)a, states that the Planning and Zoning Board to make recommendations to the City Commission for amendments.
- Anthea Gianniotis-To help clarify, February the Comprehensive Plan was just adopted. In the month of March everything changed. Also, we are in our 3rd month in a row of record-breaking permits.
- Max Weinberg-My recommendation has no time frame.

- Kelly Brandon-The departments will work together.
- Chris Davey-We will hear from Planning and Zoning and the Attorneys office in December.

10. ADJOURN

There being no further business to come before the Board, the meeting was adjourned at 10:00PM.

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 **October 19, 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.