

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

MEETING DATE: November 16, 2020

MEETING PLACE: Commission Chambers, City Hall

1. CALL TO ORDER

The meeting was called to order by Chris Davey, Chairman at 6:00 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: Scott Pape, Principal Planner; William Bennett, Asst. City Attorney; Rebekah Dasari, Senior Planner; Debora Slaski, Senior Planner; Elizabeth Eassa, Senior Planner; and Diane Miller, Board Secretary.

3. MINUTES

None

4. APPROVAL OF AGENDA

Motion to approve the November 16, 2020 agenda made by Julen Blankenship and seconded by Joy Howell.

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. PRESENTATION

None

8. QUASI-JUDICIAL HEARING ITEMS

A. **Hatcher Building (2020-229-USE)**: Provide a recommendation to the City Commission regarding a Conditional Use request to allow a commercial use (office and retail) to extend beyond 150 feet from West Atlantic Avenue within the West Atlantic Neighborhood Sub-District, for the properties located at 20 and 26 Northwest 6th Avenue.

Address: 20 and 26 Northwest 6th Avenue

Agent: Jeffrey A. Costello, AICP, FRA-RA

Planner: Elizabeth Eassa, AICP, Senior Planner

Elizabeth Eassa, Senior Planner entered the file 2020-229 into the record.

Exparte Communication

Joy Howell-Spoke to Mr. Costello

Alex DeAngelis-Spoke to Mr. Costello

Rob Long-Spoke to Mr. Costello

Julen Blankenship-Spoke to Mr. Costello

Max Weinberg-Spoke to Mr. Costello

Chris Davey-Spoke to Mr. Costello

Applicant Presentation

Jeff Costello-J.C. Planning Solutions

Staff Presentation

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

Public Comments

None

Board Comments

- Julen Blankenship expresses concern with the location of the development and asks if the applicant has discussed the project with the nearby property owners
 - Jeff Costello-Spoke to the property owner to the south.
- Max Weinberg-Allowable uses. Are wholesales sales allowed? No
Daily trips-32 am peak trips and 22 pm trips. How do they relate to the 222 daily trips?
 - Jeff Costello-It is part of the medical office and it meets the traffic study that was done.
- Allen Zeller asks if there will be sufficient parking for a medical office.
 - Jeff Costello -Yes

- Chris Davey says that he thinks the project is a good addition to this area.

Motion to recommend approval to the City Commission of Resolution No. 178-20, a Conditional Use request to authorize a commercial use to extend beyond the 150-foot limit allowed by the West Atlantic Neighborhood Sub-District Supplemental Use Standards at 20 & 26 NW 6th Avenue, finding that the request is consistent with the Land Development Regulations and the Comprehensive Plan made by Julen Blankenship and seconded by Joy Howell.

Amend the motion to state approval to the City Commission of the Conditional Use request authorize a commercial use to extend beyond the 150-foot as proposed by William Bennett, Asst. City Attorney made by Julen Blankenship and seconded by Joy Howell.

MOTION CARRIED 7-0

B. Canal Street Right-of-Way Abandonment (2021-006): Provide a recommendation to the City Commission regarding Resolution No. 195-20, an Abandonment of Right-of-Way request for a portion of Canal Street.

Authorized Agent: Jeff Costello, JC Planning Solutions;

Planner: Debora Slaski, Senior Planner

Debora Slaski, Senior Planner, entered the file 2021-006 into the record.

Exparte Communication

Max Weinberg-Conversation with Jeff Costello

Allen Zeller-Visited the site

Applicant Presentation

Neil Schiller-515 Flagler Drive

Jeff Costello-J.C Planning Solution

Staff Presentation

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

Public Comments

None

Board Comments

- Julen Blankenship asks if there has been any public access to this property, if there is access by the public from the pocket park that is adjacent, and who maintains the seawall.
 - Jeff Costello- It has been used by the adjacent property owner and is fenced off from the pocket park, and the Army Corp of Engineers maintain the seawall.
- Max Weinberg asks if the public would have access if the fences were not there.

- William Bennett says that the public would have access if the fences were not there.
- Neil Schiller-The abandonment application has been submitted to the Army Corp of Engineers to allow those improvements to remain as they currently exist within that area.
- Rob Long comments that the property owner has maintained and invested in the property, but does not have control over the property rights, and also asks if there is any public purpose for the use of the right of way.
 - Neil Schiller-That is correct regarding the right of way.
- Max Weinberg notes that the homeowners have made a significant effort to maintain the property.

Motion to move a recommendation of **approval** of Resolution No. 195-20 (2021-006), a privately initiated abandonment of right-of-way request for a portion of Canal Street, by finding that the abandonment of Right-of-Way is consistent with the adopted Always Delray Comprehensive Plan and meets the criteria set forth in the Land Development regulations made by Max Weinberg and seconded by Julen Blankenship.

MOTION CARRIED 7-0

9. LEGISLATIVE ITEMS

A. Parks at Delray, 1690-2350 South Congress Avenue SAD (2020-277-REZ):
Provide a recommendation to the City Commission on Ordinance No. 61-20 a privately initiated rezoning of the 1690-2350 South Congress Avenue SAD, amending the Development Standards, Allowed Uses, Phasing Plan and the Master Development Plan.

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

Alex DeAngelis-Stepped down as he is working for the architect.

Exparte Communication

Max Weinberg-Spoke to Bonnie Miskel

Rob Long-Spoke to Christina Bilenki

Julen Blankenship-Drove by and spoke to Bonnie Miskel

Allen Zeller-Visited the property

Scott Pape, Principal Planner, entered File 2020-277 REZ into the record.

Applicant Presentation

Bonnie Miskel (Presented remotely)

Christina Bilenki

Staff Presentation

Scott Pape, Principal Planner presented the project through a PowerPoint presentation.

Public Comments

None

Board Comments

- Julen Blankenship asks if the point of access stay the same?
 - Scott Pape-Yes, they all stay the same.
- Max Weinberg asks what will replace the roundabout previously approved, and if a traffic study was done.
 - Scott Pape-It will be replaced with a 'T' intersection. Christina Bilenki says that a traffic study was done for the original approval.
- Allen Zeller-Can there be changes to the ordinance?
 - William Bennett-As this is a privately initiated rezoning, so you make a recommendation to the City Commission.
- Allen Zeller has concerns about the safety of eliminating the roundabout, and insufficient traffic calming. Asks if any of the clubhouses be completed by time of issuance of the certificate of occupancy.
 - Christina Bilenki-Yes, one of them will be completed.Mr. Zeller also expresses concern about workforce housing. Low-income housing has been excluded. The housing should be disbursed throughout the project.
 - Julen Blankenship says that the 2018 Master Plan approved the workforce housing allocation.Mr. Zeller would like to recommend to the City Commission that the project have a minimum of 15% and low, very low and moderate workforce housing.
 - Rob Long says that it seems unfair to ask the developer to increase the approved workforce housing allocation.
- Chris Davey expresses concern about the setbacks adjacent of residential uses. Are they changing?
 - Scott Pape-No , the area in question is the west side of the project.
- Joy Howell asks if PZB can ask the City Commission not to approve SAD zoning without a site plan.
 - William Bennett-That type of recommendation would not be tied into this application.

MOTION to move a recommendation of approval of Ordinance No. 61-20, privately initiated rezoning for the 1690-2350 South Congress Avenue SAD, amending the Development Standards, Allowed Uses, Sequencing Plan and the Master Development Plan, finding that the rezoning and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development regulations, with the direction to staff to communicate concerns related to Workforce Housing and the removal of the roundabout to the Commission, made by Julen Blankenship and seconded by Rob Long.

MOTION CARRIED 6-0

Alex DeAngelis returned to the meeting.

D. CBD Railroad Corridor Sub-district (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 building height, upper story front setbacks, and density within the Railroad Corridor Sub-district located south of SE 2nd Street.

Applicant: 1st Avenue Capital 301 LLC

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

Planner: Rebekah Dasari, Senior Planner

Experte Communication

Max Weinberg-Visited property

Rob Long-Visited property

Allen Zeller-Visited property

Applicant Presentation

Christina Bilenik-Dunay, Miskel & Backman (Agent)

Bonnie Miskel-Dunay, Miskel & Backman (Agent), attending remotely

Staff Presentation

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

Public Comments

Carol Anderson-4812 W. Bexley Park Drive

Ingrid Lee-144 E Bexley Park Drive

James Quillian-President of Osceola HOA-925 SE 2nd Avenue

Dorias Lucien-229 SE 2nd Avenue

Jim Knight-10 SE 1st Avenue

Tyler Knight-2000 N. Federal Hwy.

Board Comments

- Joy Howell asks what the height is of Caspian, SOFA I and SOFA II?
 - Rebekah Dasari says that Caspian is 48', SOFA I is 41' and SOFA II is 48'.
- Julen Blankenship asks about adding in district to the residential incentive program can you tell me what would that give the applicant in terms of the bonus height.
 - Rebekah Dasari says they are adding in the Railroad Corridor at 20% of the density increase and requesting a building height of 60 feet and 6 stories.
- Max Weinberg asks if the amendment would apply to the entire CBD Railroad Corridor Sub-district.
 - Rebekah Dasari says it would apply to south of SE 2nd Street.
- Allen Zeller says that this proposal does not comply with the Comprehensive Plan.
- Max Weinberg asks if the increase in height is restricted to residential?

MOTION to recommend **DENIAL** to the City Commission of 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 with the railroad Corridor Sub-district, by finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in Land Development Regulations made by Julen Blankenship and seconded by Allen Zeller.

MOTION CARRIED 6-1 (Alex DeAngelis dissenting)

E. Rooftop and Appurtenances LDR Amendment (2020-144): Provide a recommendation to the City Commission on Ordinance No. 54-20 a City-initiated amendment to the Land Development Regulations associated with rooftop appurtenances and rooftop uses.

Planner: Debora Slaski, Senior Planner

Exparte Communication

All members-No

Staff Presentation

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

Board Comments

- Alex DeAngelis asks if the code only requires Line of Site in the CBD?
 - Debora Slaski says that anything outside of the CBD the parapet needs to be at the same height as the mechanical equipment.
- Allen Zeller says it is a good ordinance but overreaching on the height.

MOTION to recommend approval to the City Commission of Ordinance No. 54-20, a City-initiated request to amend the Land Development Regulations Section 4.3.3 “Special Requirements for Specific Uses” by establishing Subsection (RR) “rooftop Use”, to amend Section 4.3.4(J) (3) “Exceptions to district height limitations”, and to amend Appendix A “Definitions”, by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in land Development regulations and incorporating the changes made in the discussion made by Julen Blankenship and seconded by Rob Long.

MOTION CARRIED 6-1 (Alex DeAngelis dissenting)

9. REPORTS AND COMMENTS

A. Staff

- Next meeting December 14, 2020.
- Board Meeting dates available.

B. Board

- Julen Blankenship-Can we get our project information virtually.
- Max Weinberg-Very difficult to her people speak in the chamber.
- Rob Long-Very productive meeting.
- Joy Howell-Any update on workshops.
- Allen Zeller-Can we call it a training meeting.

C. Attorney

- Welcomes new members.

10. 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 **November 16, 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.