

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

**MEETING DATE:** January 25, 2021

**MEETING PLACE:** **Virtual Meeting**

**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 (2<sup>nd</sup> Vice Chairman), Alex DeAngelis, Max Weinberg and Allen Zeller.

Note: Alex DeAngelis joined the meeting at approximately 6:17pm, and Joy Howell joined the meeting at approximately 6:20pm.

**Members Absent:** None

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

**3. APPROVAL OF AGENDA**

**Motion** to approve the January 25, 2021 agenda made by Julen Blankenship and seconded by Max Weinberg.

**ALL IN FAVOR 5-0**

**4. MINUTES**

December 14, 2020

**Motion** to approve the meeting minutes by Julen Blankenship and seconded by Max Weinberg.

**ALL IN FAVOR 5-0.**

**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**

*These comments are related to the Legislative Item 9B, CBD Railroad Corridor Sub-District (previously heard at the November 16, 2020 meeting of the Planning and Zoning Board). They are being played as general public comments:*

Albert D. Thorp-901 SE 4<sup>th</sup> Avenue  
Robert Simmson-335 SE 1<sup>st</sup> Avenue  
Gale Caughey-613 SE 4<sup>th</sup> Avenue  
Thomas Johnson-301 Se 1<sup>st</sup> Avenue  
James Quillen-925 SE 2<sup>nd</sup> Avenue  
Margaret Kellen-331 SE 3<sup>rd</sup> Avenue  
Elizabeth McQue-732 SE 3<sup>rd</sup> Avenue  
Alex Polajenko-617 SE 4<sup>th</sup> Avenue

## **7. PRESENTATION**

None

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

**A. Canal Street Right-of-Way Abandonment (2021-034):** Provide a recommendation to the City Commission on Resolution No. 24-21 for a privately initiated Abandonment of Right-of-Way for a portion of Canal Street located between NE 1st Court and NE 2nd Street.

Authorized Agent: Jeff Costello, JC Planning Solutions  
Planner: Debora Slaski, Senior Planner

Debora Slaski, Senior Planner, entered the File No. 2021-034 into the record.

### **Exparte Communication**

Alex DeAngelis-Spoke to Mr. Costello  
Rob Long-Spoke to Mr. Schiller  
Julen Blankenship-None  
Max Weinberg-Spoke to representative and walked by the site.  
Chris Davey-Spoke to Mr. Costello  
Allen Zeller-Visited the site.

### **Applicant Presentation**

Neil Schiller-Saul Ewing Arnstein & Lehr, LLP

### **Staff Presentation**

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

### **Public Comments**

None

**Board Comments**

None

**Motion** to recommend approval of Resolution No. 24-21 (2021-034), 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 Julen Blankenship and seconded by Rob Long.

**MOTION CARRIED 7-0**

**B. 1177 Moderne SAD (2020-173):** Provide a recommendation to the City Commission on Ordinance No. 04-21, a privately-initiated request to rezone the HHH Building Special Activities District (SAD) to the 1177 Moderne Special Activities District (SAD) on the property located at 1177 George Bush Boulevard, repealing the adopted development standards for the existing HHH Bush Building SAD adopted by Ordinance No. 38-84 and subsequently amended by Ordinance No. 39-90 and Ordinance No. 01-11, and adopting new development standards in the subject ordinance.

Agent: Cristofer A. Bennardo, Esq., Padula Bennardo Levine, LLP

Planner: Rebekah Dasari, Senior Planner

Rebekah Dasari, Senior Planner, entered the File No. 2020-173 into the record.

**Exparte Communication**

Rob Long-None

Julen Blankenship-None

Max Weinberg-Spoke to applicant

Allen Zeller-Drove by the site.

Chris Davey-Spoke to applicant

**Applicant Presentation**

Cristofer Bennando- Padula, Bennardo Levine

Richard Jones- Richard Jones Architect

Tom Laudani- SeaSide Builders

**Staff Presentation**

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

**Public Comments**

Gordon Loh-790 Andrews Avenue

Bill Petry-1035 Vista Del Mar

Jim DeBouse-1236 George Bush Boulevard

### **Board Comments**

- Max Weinberg says he lives in the area and supports the project and asks if the building look like the renderings provided.
  - Cristofer Bernardo says that the building presented is “as-built” and what the development will look like upon completion.
- Joy Howell asks what could be built there now if the zoning was not changed.
  - Cristofer Bernardo says that the allowed uses are professional businesses, title companies, and others including a 4.900sf residence on the fifth floor.
- Joy Howell asks why the height is 48 feet if the proposed building height is only 37 feet.
  - Chris Bernardo says the applicant requested a maximum height of 48 feet, so the project does not have to come back for another rezoning to revise the development standards if it goes over the planned building height of 37 feet.
- Max Weinberg-Will the structure, as designed, be in line with the style and design that is appropriate with the island? Also, there is nothing to prevent the building, at a later date, to go to 48 feet.
- Joy Howell is concerned with the 48 feet and would be in favor of the request if the maximum height was established at 38 feet.
- Chris Bernardo offered that a height of 39 feet would accommodate the planned development, and an amendment to the development standards would not be required.
- Rob Long is concerned with the proposed maximum height and would like the maximum height to be kept at 39 feet.
- Chris Davey would be in favor of the request if the applicant accepts the 39 feet.

**Motion** to recommend approval of Ordinance No. 04-21, a privately-initiated request to rezone 1177 George Bush Boulevard from the HHH Building SAD to the 1177 Moderne SAD, 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, with the condition providing that the overall height is limited to a maximum of 39 feet with no additional amenities above that height made by Allen Zeller and seconded by Julen Blankenship.

**MOTION CARRIED 7-0**

### **9. LEGISLATIVE ITEMS**

#### **A. Parking Exemption in the Southern Railroad Corridor Sub-district (2020-050):**

Provide a recommendation to the City Commission on Ordinance No. 05-21 for a privately initiated request to amend the Land Development Regulations (LDR) Section 4.4.13(1)(2), “Minimum number of off-street parking spaces,” to extend the expiration date from April 3, 2021 to December 31, 2024 for the parking exemption applicable to existing buildings that undergo a change of use on properties located between SE 2nd Street and SE 3rd Street within the Railroad Corridor Sub-district.

Agent: Neil Schiller, ESQ., Saul, Ewing, Arnstein & Lehr Planner: Brian Ruscher, AICP, Transportation Planner

Brian Ruscher, Transportation Planner, entered File No. 2020-050 into the record.

**Exparte Communication**

None

**Applicant Presentation**

Neil Schiller- Saul Ewing Arnstein & Lehr, LLP

**Staff Presentation**

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

**Public Comments**

None

**Board Comments**

- Allen Zeller asked if there was a 3-year limit when the Commission adopted this ordinance, and why.
  - Brian Ruscher says that is correct; Commission put a limit to concentrate on a specific time frame, as it would not be the best policy to allow this type of exemption to be allowed indefinitely.
- Allen Zeller asks if there have been any requests for a parking exemption.
  - Brian Ruscher says there have not been any requests.

**MOTION** to recommend approval to the City Commission of Ordinance No. 05-21, amending the Land Development Regulations Section 4.4.13(I)(2), “Minimum number of off-street parking spaces,” to extend the parking exemption through December 31, 2024, for properties located between SE 2nd Street and SE 3rd Street within the Railroad Corridor Sub-district 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 Rob Long.

**MOTION CARRIED 7-0**

**B. CBD Railroad Corridor Sub-district (2020-093-LDR):** CBD Railroad Corridor Sub-district (2020-093-LDR): Provide a recommendation to the City Commission on Ordinance No. 03-21, privately-initiated amendments to the Land Development Regulations for the portion of the Central Business District (CBD) Railroad Corridor Sub-district located south of SE 2nd Street to increase the maximum number of stories allowed from four to five within the current maximum height of 54 feet, increase the maximum density from 30 to 70 dwelling units per acre as part of a Residential Incentive Program that requires at least 20 percent of the bonus density be provided as on-site workforce housing units, and expand the locations for Automated Parking Garages to include any Secondary Street within the Railroad Corridor Sub-district.

Applicant: 1st Avenue Capital 301 LLC

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

Bonnie Miskel-Dunay, Miskel & Backman, LLP

**Exparte Communication**

None

**Applicant Presentation**

Christina Bilenik-Dunay, Miskel & Backman Attending remotely

Bonnie Miskel-Dunay, Miskel & Backman

**Staff Presentation**

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

**Public Comments**

Comments from the public were played at the beginning of the meeting.

**Rebuttal/Cross Examination**

Bonnie Miskel- Point of clarification, it is not our intention for on-site automated parking to be along the street frontage of the building.

**Board Comments**

- Joy Howell says that the height limit is 54 feet, and asks if the towers part of the 54 feet?
  - Amy Alvarez says the towers need to be in the 54 feet limit unless they are for elevators or access to the roof.
  - Bonnie Miskel says the appurtenances would not exceed 60 feet.
  - Amy Alvarez provides a point of clarification. The discussion about height is general, not specific to the project; this amendment applies to the whole district.
- Max Weinberg asks if on the chart in the presentation, “Regulate by Stories and Feet”, does the 5 stories lower the requirements?
  - Amy Alvarez indicates yes, and explains the, minimum height requirements for residential, commercial mixed uses.
- Rob Long states that he is happy to see that the applicant takes the board comments to heart.
- Allen Zeller asks if the garage is under the rear of the building?
  - Victor Caban-Diaz (Project Architect) indicates that the mechanical parking will be partially below grade.
- Allen Zeller states a concern that the applicant knew the current rules and should comply, and that we are locked into the site plan, renderings, etc. Support 4 stories, and Workforce Housing at 20 percent of the total units, equally dispersed over the three income levels.
  - William Bennett clarifies that you or the developer are not locked in. This is a text amendment, and anything could happen. This project is nothing more than an aid to what the text amendment would be allowed to do.
- Julen Blankenship supports keeping the Workforce Housing at 20% for the total density and stay at 4 stories; 5 stories will set a precedent.

- Chris Davey provides a reminder that the project that we are looking at is nothing that we will be locked into. We need to keep 4 stories and increase the Workforce Housing amount.
  - Bonnie Miskel-111 Delray is an example for this project. If Workforce Housing is not increased, we will have housing costs like Boca Raton, and 20% Workforce Housing is not economically viable.
- Max Weinberg asks That is the driving motivation for the developer to have the extra story?
  - Bonnie Miskel indicates that a lot of developers that are doing workforce projects today are doing micro units.
- Julen Blankenship says that we need to remember that we are doing the whole district and not just this project.
- Alex DeAngelis says that with the comments from the residents of Osceola Park and hearing that they are fine with this project, it shows how desperate they want this neighborhood to be redeveloped.
- Rob Long says that he thinks the developer has shown a lot of goodwill toward the project, and it is a give and take within reason and we should set a precedent.
- Allen Zeller says that the developer needs to abide with the regulations.

**MOTION** to recommend approval to the City Commission of Ordinance No. 03-21, privately-initiated amendments to the Land Development Regulations for the portion of the Central Business District (CBD) Railroad Corridor Sub-district located south of SE 2nd Street to increase the maximum number of stories allowed from four to five within the current maximum height of 54 feet, increase the maximum density from 30 to 70 dwelling units per acre as part of a Residential Incentive Program that requires at least 20 percent of the total density be provided as on-site workforce housing units, and expand the locations for Automated Parking Garages to include any Secondary Street within the Railroad Corridor Sub-district, 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 Max Weinberg.

**MOTION FAILED 3-4 (Allen Zeller, Joy Howell, Max Weinberg and Chris Davey dissenting)**

## **9. REPORTS AND COMMENTS**

### **A. Staff**

- Next meeting February 27, 2021.

### **B. Board Attorney**

- Thank you for participating in the Board training session.

### **C. Board Comments**

- Max Weinberg-Thank you for the training session, it was very educational and recommend that it should occur more frequently.

**10. ADJOURN.**

There being no further business to come before the Board, the meeting was adjourned at 10:30PM.

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 25, 2021** which were formally adopted and **APPROVED** by the Board on **April 19, 2021**.

***Diane Miller***

Diane Miller, Board Secretary

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.*