

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

MEETING DATE: May 16, 2022

MEETING PLACE: City Commission Chambers

1. CALL TO ORDER

This meeting was called to order by Chris Davey, Chairman at 5:05 PM.

2. ROLL CALL

A quorum was present at call to order.

Members Present: Chris Davey, Chairman; Julen Blankenship, Vice Chairman; Joy Howell, 2nd Vice Chairman; Allen Zeller; Christina Morrison; Max Weinberg and Rob Long (arrived 5:43).

Members Absent: None

Staff Present: William Bennett, Assistant City Attorney; Amy Alvarez, Principal Planner; Rebekah Dasari, Senior Planner; Elizabeth Eassa, Senior Planner; Brian Ruscher, Transportation Planner; Andrew Allen, Planner; and Diane Miller, Board Secretary.

3. APPROVAL OF AGENDA

Items 8.E - 214 NE 22nd Lane and 8.F - NE 14th Street moved to become 8.A and 8.B. Items 8.A - Abandonment of Right-of Way and 8.B - Pour and Famous to become 8.C and 8.D. Item 9.A Mixed Use Residential, Office, and Commercial (MROC) District is moved to the beginning of the agenda.

Motion to APPROVE the amended May 16, 2022, agenda by Julen Blankenship and seconded by Joy Howell.

MOTION CARRIED 6-0

4. MINUTES

None

5. SWEARING IN OF THE PUBLIC

Chris Davey, Chair, read the Quasi-Judicial Rules for the City of Delray Beach and Diane Miller the Board Secretary swore in all who wished to give testimony.

6. COMMENTS FROM THE PUBLIC

None

7. PRESENTATIONS

None

8. QUASI-JUDICIAL HEARING TERMS

A. (Amended to Item 8.C) Abandonment of Right-of-Way (2021-128-ABR-CCA):

Provide a recommendation to the City Commission regarding the abandonment of a 17,059 square foot area of unimproved City-owned right-of-way (street) located at the terminus of Davis Road. (PUBLIC HEARING)

Address: No Address - see location above

Applicant: Chad Shoemaker; chad_709@hotmail.com

Planner: Brian Ruscher, Transportation Planner; ruscherb@mydelraybeach.com

Brian Ruscher, Transportation Planner entered the File No. 2021-128 into the record.

Applicant Presentation

Chad Shoemaker, property owner

Staff Presentation

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

Exparte

Julen Blankenship- Received email

Joy Howell- None

Allen Zeller- Visited the site

Max Weinberg- None

Chris Davey- Reviewed videos photos and email provided by City staff

Christina Morrison- None

Rob Long- None

Public Comment

James Hylinski, 3557 Lone Pine Road. Mr. Hylinski opposed the granting the abandonment as the abandonment will block access to the canal for emergency vehicles along with the general public.

Rebuttal/Cross

None

Board Comments

Christina Morrison asked if there was any other access to the Lake Worth Drainage District canal other than the access in question and if the easement is abandoned it would block access to the general public to the canal.

Max Weinberg asked staff regarding who had title to the land and the dimensions of the easement. Mr. Weinberg asked regarding the potential use of the easement if it was abandoned.

Chris Davey noted that his observations indicate that the easement is being utilized by area residents, Mr. Davey recommended that half of the easement be retained by the City with a public access easement.

Joy Howell found that there is a public use for the land in question and therefore does not meet the requirements of the Land Development Regulations to be abandoned.

Julen Blankenship stated that there is a public use of the land in question, as light recreation is permitted by the Lake Worth Drainage District; she is not in favor of abandoning the easement.

Allen Zeller asked if the applicant could fence off access to the area in question if the abandonment was approved and if the driveway was encroaching on the adjacent easement.

MOTION to move a recommendation of denial to the City Commission of Resolution No. 59-22, to abandon an eighty-foot-wide right-of way totaling approximately 17,059 square feet located adjacent to the northern terminus of Davis Road, by adopting the findings of fact and law contained in the staff report and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations was made by Joy Howell and seconded by Julen Blankenship.

MOTION CARRIED 6-1

Dissenting Max Weinberg

B. (Amended to Item 8.D) Pour and Famous (2021-009): Provide a recommendation to the City Commission regarding a Conditional Use request to establish a Late-Night Business until 2:00 am for Pour and Famous, located at 524 West Atlantic Avenue, on the south side of West Atlantic Avenue between SW 5th Avenue and SW 6th Avenue. (PUBLIC HEARING)

Address: 524 West Atlantic Avenue

Agent: Zach Purdo; tzpurdo@gmail.com

Planner: Jennifer Buce; buce@mydelraybeach.com

Jennifer Buce, Planner entered the File No. 2021-009 into the record.

Applicant Presentation

Challo Schott, Business Operator; 2410 Venetian Way Boynton Beach FL 33426

Staff Presentation

Jennifer Buce, Planner presented the project from a Microsoft PowerPoint presentation.

Exparte

Julen Blankenship- Drive by the site

Joy Howell- Drive by the site

Allen Zeller- Drive by the site

Max Weinberg- Drive by the site

Chris Davey- Drive by the site

Rob Long- Drive by the site, has been a patron of the establishment

Christina Morrison- Familiar with site

Public Comment

Alice Finst, 707 Place Tavant. Ms. Finst opposed the granting of the Conditional Use as the late hours will negatively affect the surrounding residential neighborhoods.

Scott O'Donnell, 1850 Lake Drive Delray Beach FL 33444. Mr. O'Donnell was supportive of granting the conditional use to allow for late night indoor dining as there currently are a limited number of restaurants open till 2 AM.

Rebuttal/Cross

Challo Schott noted that there is no parking in the adjacent residential neighborhoods and that patrons of the restaurant will generally be parking on Atlantic Avenue.

Board Comments

Max Weinberg stated that he was supportive the redevelopment of the West Atlantic Avenue area and noted that granting the late hours will benefit the area.

Julen Blankenship was opposed to granting he conditional use recommendation as late hours would negatively affect the surrounding residential neighborhoods.

Chris Davey asked staff if the business when it was a standalone bar had late hours for an indoor use. Mr. Davey was supportive of granting a recommendation of the conditional use as the late-night hours would only apply to the indoor use.

Christina Morrison asked the applicant where customers park as no off-street parking is provided and if late night operating hours were for businesses located within the entertainment district. Ms. Morrison noted that the Land Development Regulations require the Board to impose conditions that minimize the negative impacts to surrounding residential zones and proposed that late hours be approved on Friday, Saturday, and Sunday.

Allen Zeller opposed granting a recommendation to allow for the late-night operating hours as the City Commission should make the ultimate decision.

MOTION to move to recommend approval to the City Commission, a Conditional Use request for Pour and Famous, to allow a 24-hour or Late-Night Business at 524 West Atlantic Avenue to be open until 2:00AM for the inside portion of the restaurant, finding that the request is consistent with the Land Development Regulations and the policies of the Comprehensive Plan was made by Max Weinberg.

MOTION WITHDRAWN

MOTION to move to recommend approval to the City Commission, a Conditional Use request for Pour and Famous, to allow a 24-hour or Late Night Business at 524 West Atlantic Avenue, to be open until 2:00AM for the inside portion of the restaurant, finding that the request is consistent with the Land Development Regulations and the policies of the Comprehensive Plan, subject to conditions that the business is only to be open till 2 AM on Friday, Saturday, and Sunday was made by Christina Morrison and seconded by Joy Howell.

MOTION CARRIED 6-1

DISSENTING Julen Blankenship

C. (Amended to Item 8.E) Parks at Delray Plat (2019-155): Consideration of the Preliminary Plat and recommendation to the City Commission for the certification of the Final Plat associated with the creation of nine parcels from portions of The Arbors at Centre Delray plat, Lakeside at Centre Delray plat, Catalfumo plat, and Terraces at Centre Delray plat.

Property Owner: Centreponte Delray Holdings, LLLP

Authorized Agent: Covelli Design Associates, Inc., mike@covellidesign.com

Planner: Scott Pape, Development Permit Manager, pape@mydelraybeach.com

Scott Pape, Development Permit Manager entered the File No. 2019-155 into the record.

Applicant Presentation

Mike Covelli, Covelli Design Associates, Inc.; 1209 S. Swinton Avenue Delray Beach FL 33444

Staff Presentation

Scott Pape, Development Permit Manager presented the project from a Microsoft PowerPoint presentation.

Exparte

Julen Blankenship- None

Joy Howell- Drive by the site

Allen Zeller- Visited the site

Max Weinberg- Drive by the site and spoken to the principles of the project

Chris Davey- Drive by the site

Rob Long- None

Christina Morrison- Familiar with the site and owners, and drives by the site.

Public Comment

None

Rebuttal/Cross

None

Board Comments

Christina Morrison asked if the applicant agreed with the conditions set by Palm Beach County.

Max Weinberg was concerned that Germantown Road will become excessively congested by the number of residents exiting the Parks at Delray community. The applicant noted that steps have been taken to address Mr. Weinberg's concerns.

Allen Zeller was concerned about residents exiting the development to travel northbound onto Congress Avenue.

MOTION to move approval of the Preliminary Plat and recommendation of approval to the City Commission for the Certification of the Final Plat for Parks at Delray, finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations was made by Christina Morrison and seconded by Rob Long.

MOTION CARRIED 7-0

D. (Amended to Item 8.F) Delray Central Master Development Plan (2021-138-MDP): Consideration of a Master Development Plan (MDP) for Delray Central, located at 1615 & 1625 South Congress Avenue, associated with the addition of an eight-story building containing 1,095 square feet of non-restaurant, general commercial use and 271 residential units including a parking structure and amenities.

Address: 1615 and 1625 South Congress Avenue

Agent: Bonnie Miskel, Esquire, bmiskel@dmbblaw.com

Planner: Elizabeth Eassa, AICP, Senior Planner; eassae@mydelraybeach.com

Elizabeth Eassa, Senior Planner entered the File No. 2021-138 into the record.

Applicant Presentation

Bonnie Miskel, Dunay, Miskel and Backman LLP; 14 SE 4th St #36, Boca Raton, FL 33432

Staff Presentation

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

Exparte

Julen Blankenship- None

Joy Howell- Spoke with staff

Allen Zeller- None

Max Weinberg- Spoke with the representative of the applicant

Chris Davey- None

Rob Long- None

Christina Morrison- Spoke with the applicant and staff

Public Comment

Jeff Kelly, 170 SW 6th Avenue Boca Raton Florida 33486. Mr. Kelly is a commercial real estate broker for Delray Central, Mr. Kelly indicated that there is a strong need for office space in Delray Beach with occupancy rates currently exceeding 90 percent.

Keith O'Donnell, 2518 Coco Plum #1202 Boulevard Boca Raton FL 33496. Mr. O'Donnell expressed support for the project as the proposed residential building will provide housing for employees working in the adjacent office buildings.

Alice Finst, 707 Place Tavant. Ms. Finst voiced concern if adequate parking was provided for the residents and visitors.

Mike Kaufman, 2494 S Ocean Boulevard Boca Raton FL 33432. Mr. Kaufman was supportive of the proposed project as it will provide needed housing for employees of businesses located in the area.

Scott O'Donnell, 1850 Lake Drive Delray Beach FL 33444. Mr. O'Donnell expressed that there is a housing shortage, and the project would alleviate the shortage.

Steve Mackey, 501 NW 7th Street. Mr. Mackey was supportive of the proposed project as it will provide development opportunities outside the downtown area.

Paul Burrell, 5301 Godfrey Road Parkland FL 33067. Mr. Burrell owns several properties along Congress Avenue was supportive of the proposed project as it will provide needed housing.

Pete Crane, 231 NE 14th Street Delray Florida 33444. Mr. Crane was in support of the proposed project as it will provide need housing and will aid in the development of the Congress Corridor.

Rebuttal/ Cross

Bonnie Miskel noted that the residential component is in compliance with the City's Land Development Regulations and that the only nonconformities are in regard to the location of the proposed building.

Board Comments

Julen Blankenship stated that the concerns voiced by the Board at the April 18, 2022 meeting were not addressed by the applicant. Ms. Blankenship stated that the master development plan and associated waivers are not consistent with the City's Comprehensive Plan and could not make positive findings that the waivers were not adversely affecting the neighboring areas and that the waivers were not granting a special privilege.

Joy Howell asked the applicant whether the front setback of the residential building can be lessened to be more in line with the Congress Avenue study accepted by the City Commission. The applicant stated that if the residential building was located closer to Congress Avenue it may create unsafe traffic conditions. Ms. Howell asked about the retail use that would be located on the first floor.

Christina Morrison felt that the site currently has a large number of excess parking spots and that that excess parking should be removed and converted to landscape islands and to increase the landscaping along Congress Avenue and Linton Boulevard. Ms. Morrison was in support of the project but would like the applicant to address her concerns.

Allen Zeller stated that the applicant did not address the affordable housing comments along with other comments made by the Board in April's meeting. Mr. Zeller indicated that the location of a park located on the site is not readily accessible and is creating an unsafe situation for pedestrians. Mr. Zeller noted that an 8-story structure located on within the Congress Corridor does not meet the intent of the Congress Avenue study even though the height is permitted by the City's Land Development Regulations.

Rob Long noted the proposed height and level of workforce housing is in compliance with the City's Land Development Regulations and that the applicant has addressed the Board's previous concerns. Mr. Long was supported of the project as it will provide needed residential units.

Chris Davey was in opposition to the proposed project as the massing of the development was not compatible with other structures located along Congress Avenue. Mr. Davey would like to have the parking minimized, less massing of the structures, and more greenspace along the northern and southern boundaries of the development.

MOTION to move denial of a Master Development Plan (MDP) for Delray Central, located at 1615 & 1625 South Congress Avenue, associated with the addition of an eight-story building containing 1,095 square feet of non-restaurant, commercial use and 271 residential units including a parking structure and amenities, finding that the request, inclusive of the waivers, is not consistent with the Comprehensive Plan and does not meet the applicable criteria set forth in the Land Development Regulations was made by Julen Blankenship and seconded by Joy Howell.

MOTION CARRIED 4-3

DISSENTING Rob Long, Max Weinberg and Christina Morrison

E. (Amended to Item 8.A) 214 NE 22nd Lane (2022-162): Provide a recommendation to the City Commission on Ordinance No. 19-22 a City initiated rezoning request from Neighborhood Commercial (NC) to Single Family Residential (R-1-AA) for the +/-0.63-acre property located a 214 NE 22nd Lane. (PUBLIC HEARING)

Planner: Andrew Allen, Planner; allena@mydelraybeach.com

Andrew Allen, Planner entered the File No. 2022-162 into the record.

Staff Presentation

Andrew Allen, Planner presented the project from a Microsoft PowerPoint presentation.

Exparte

Julen Blankenship- None

Joy Howell- None

Allen Zeller- Visited the Site

Max Weinberg- None

Chris Davey- None

Christina Morrison- Visited the Site

Public Comment

None

MOTION to postpone to June 20, 2022, made by Joy Howell and was seconded by Christina Morrison

MOTION CARRIED 7-0

F. (Amended to Item 8.B) NE 14th Street, Land Use Map Amendment (2022-124): Provide a recommendation to the City Commission on Ordinance No. 16-22, a City-initiated Land Use Map Amendment (LUMA) from Low Density (LD) to Open Space (OS) land use to correct a data conversion error. (PUBLIC HEARING)

Address: NE 14th Street, (PCN: 12-43-46-09-19-000-1161)

Planner: Andrew Allen, Planner; allena@mydelraybeach.com

Andrew Allen, Planner entered the File No. 2022-124 into the record.

Exparte

Julen Blankenship- None

Joy Howell- None

Allen Zeller- Visited the Site

Max Weinberg- None

Chris Davey- None

Christina Morrison- None

Rob Long- None

Public Comment

None

Board Comments

None

MOTION to recommend approval to the City Commission on Ordinance No. 16-22, a City-initiated Land Use Map Amendment for the property located to the east of the intersection of NE 3rd Ave and NE 14th Street from Low Density Residential (LD) to Open Space (OS) to correct a data conversion error, by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations was made by Christina Morrison and seconded by Joy Howell.

MOTION CARRIED 7-0

9. LEGISLATIVE ITEMS

A. (Heard at the beginning of the agenda) **Mixed Residential, Office, and Commercial (MROC) District (2022-161): Ordinance** No. 20-22 a City-initiated amendment to the Land Development Regulations (LDR), amending Section 4.4.29, "Mixed Office, Residential, and Commercial (MROC) District, to bring the regulations into compliance with HB 7103, to make corrective updates, and to revise the language to improve readability.

Planner: Rebekah Dasari, Senior Planner; dasarir@mydelraybeach.com

Rebekah Dasari, Senior Planner entered the File No. 2022-161 into the record.

Staff Presentation

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

Board Comments

Max Weinberg inquired as to the possible incentives that can be provided if workforce housing is offered.

Christina Morrison requested clarification as to how a 30 percent workforce housing requirement would still meet the requirements of the State Statute to fully offset the cost of the mandate.

Julen Blankenship asked if the commission could mandate a certain percentage of workforce housing and not just encourage workforce housing.

Joy Howell recommended that moderate income workforce housing be mandated without an increase in density and asked about the enforcement methods available to enforce the workforce housing requirement.

Allen Zeller recommended that workforce housing be mandated for all three income levels and should be equally distributed and not be cordoned to certain areas within the development. Mr. Zeller suggested that a moratorium be imposed in the Special Activities District and to impose a 40-year deed restriction on the sale and leasing of workforce

housing units.

Chris Davey would like the Land Development Regulations impose a requirement that workforce housing be provided; the percentage required must be a number that will comply with State Statutes.

Rob Long arrived at 5:43.

MOTION to recommend approval to the City Commission of Ordinance No. 20-22, amended to include an equal distribution of income limits as well as a look by City staff to a possibility of 30 percent requirement for workforce housing to be reported back to the City Commission as part of the staff report a City-initiated amendment to the Land Development Regulations (LDR), amending Section 4.4.29, "Mixed Office, Residential, and Commercial (MROC) District, to bring the regulations into compliance with HB 7103, to make corrective updates, and to revise the language to improve readability; by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations by Julen Blankenship and seconded by Christina Morrison.

MOTION CARRIED 5-2

DISSENTING Christina Morrison and Max Weinberg

10. REPORTS AND COMMENTS

A. CITY STAFF

The next meeting dates are June 20, 2022 and July 18, 2022. The September meeting will be rescheduled to the 12th because of a conflict with the City Commission meeting.

B. BOARD ATTORNEY

None

C. BOARD MEMBERS

Christina Morrison provided an example of a cottage community that exists within the City, with 16 homes on 1.3 acres.

Max Weinberg provided an update regarding creating a pocket neighborhood zoning district.

11. ADJOURN

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

The undersigned is the Board Clerk of the Planning and Zoning Board and the information provided herein is the Minutes of the meeting of said body for **May 16, 2022**, which were formally adopted and **APPROVED** by the Board on **October 17, 2022**.

ATTEST:



Chairman



Board Secretary

NOTE TO READER: If the Minutes you have received are not completed as indicated above, then this means that these are not the official Minutes of the Planning and Zoning Board. They will become official minutes only after review and approval, which may involve some amendments, additions, or deletions.