

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

**MEETING DATE:** August 15, 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, 2<sup>nd</sup> Vice Chairman; Allen Zeller; Max Weinberg and Rob Long.

**Absent** Christina Morrison

**Staff Present** were William Bennett, Assistant City Attorney; Rebekah Dasari, Interim Principal Planner; Andrew Allen, Planner; and Diane Miller, Board Secretary.

**3. APPROVAL OF AGENDA**

Motion to APPROVE the August 15, 2022, agenda by Julen Blankenship and seconded by Joy Howell.

**MOTION CARRIED 6-0**

**4. MINUTES**

Motion to APPROVE the minutes of November 15, 2021, January 24, 2022 and February 28, 2022 were made by Rob Long and seconded by Joy Howell.

**Motion Carried 6-0**

**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 ITEMS**

**A. Waterford Place, Land Use Map Amendment (2022-122):** Provide a recommendation to the City Commission on a City-initiated Land Use Map Amendment (LUMA) from Transitional (TRN) to General Commercial (GC) in correction of a data conversion error for a 4.58± acre parcel located within the Waterford Place / Delint DRI Special Activities District (SAD) and fully described in Ordinance No. 15-22. (PUBLIC HEARING)

**PCN:** 12434629410000020

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

**NOTE: THIS ITEM WAS PREVIOUSLY PUBLISHED ON THE JULY 18, 2022, AGENDA, AND PULLED FOR HEARING AT A LATER DATE DUE TO AN ADVERTISING ERROR.**

Andrew Allen, Planner entered the File No. 2022-122 into the record.

### **Staff Presentation**

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

### **Exparte Communication**

Julen Blankenship- None

Joy Howell- None

Allen Zeller- Visited the Site

Max Weinberg- None

Chris Davey- None

Rob Long- None

### **Public Comment**

Tom Mandosa, 2054 Alta Meadows Lane. Mr. Mandosa asked staff when the error was noticed.

### **Board Comments**

None

**MOTION** to recommend approval to the City Commission of Ordinance No. 15-22, amending the Land Use Map from Transitional (TRN) to General Commercial (GC) in correction of a data conversion error for a 4.58± acre parcel located within the Waterford Place / Delint DRI Special Activities District (SAD) and fully described in Ordinance No. 15-22, 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 Julen Blankenship and seconded by Allen Zeller.

**MOTION CARRIED 6-0**

**B. 1236 George Bush Plat (2022-015):** Consideration of the Preliminary Plat and recommendation to the City Commission for the certification of the Final Plat, "1236 George Bush Blvd", a replat of the 0.62-acre Model Land Company recorded in Plat Book 8, Page 40, associated with the creation of six fee simple lots currently addressed as 1236 George Bush Boulevard.

**Agent:** Sean McAllister; sean@stammdevelopment.com

**Planner:** Jennifer Buce; Planner; buce@mydelraybeach.com

Jennifer Buce Planner entered the File No. 2022-015 into the record.

### **Staff Presentation**

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

### **Applicant Presentation**

Sean McAllister, Stamm Development; 900 E Atlantic Avenue, Suite 5, Delray Beach FL 33444

### **Experte Communication**

Julen Blankenship- None

Joy Howell- None

Allen Zeller- Visited the Site

Max Weinberg- None

Chris Davey- None

Rob Long- None

### **Public Comment**

None

### **Rebuttal/Cross**

None

### **Board Comments**

None

**MOTION** to move approval of the preliminary plat "1236 George Bush Boulevard", associated with the creation of 6 fee-simple lots, for the property currently addressed as 1236 George Bush Boulevard, finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations was made by Julen Blankenship and seconded by Rob Long.

**MOTION CARRIED 6-0**

**Motion** to reopen the preliminary plat made by Allen Zeller and seconded by Joy Howell.

**MOTION CARRIED 6-0**

**MOTION** to recommend approval to the City Commission for the certification of the Final Plat, "1236 George Bush Boulevard", associated with the creation of 6 fee-simple lots, for the property currently addressed as 1236 George Bush Boulevard, finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations was made by Allen Zeller and seconded by Joy Howell.

**MOTION CARRIED 6-0**

**C. Wanderlust Dogs, Conditional Use (2022-155):** Provide a recommendation to the City Commission regarding a Conditional Use request for Wanderlust Dogs located at 355 North Congress Avenue to allow a Domestic Animal Services facility offering Pet Services including day care, pet grooming, and a Pet Hotel.

**Address:** 355 N Congress Avenue, Bays 101 – 104

**Applicant:** Richard A. Berrie, Berrie Architecture & Design, Inc.,  
berrie@berriedesign.com; F. Martin Perry, Perry & Taylor, P.A, perrytaylorlaw.com

**Planner:** Jennifer Buce; buce@mydelraybeach.com

Jennifer Buce Planner entered the File No. 2022-155 into the record.

**Applicant Presentation**

Caroline Farino, Perry & Taylor; 4500 PGA Boulevard, Suite 204, Palm Beach Gardens, FL 33418

Rich Berrie, Berrie Architecture & Design Inc.; 4286 NW 42nd Terrace, Coconut Creek, FL 33073

**Staff Presentation**

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

**Exparte Communication**

Julen Blankenship- None

Joy Howell- None

Allen Zeller- Visited the Site

Max Weinberg- None

Chris Davey- None

Rob Long- Spoke with Martin Perry over the phone

**Public Comment**

None

**Rebuttal/Cross**

None

**Board Comments**

Max Weinberg asked the applicant how many dog pens will be constructed within the structure and how many dogs will be housed.

Allen Zeller noted that the building has been vacant for a long period of time and this location is ideal for the boarding of animals.

Rob Long and Julen Blankenship noted that the business is located in an industrial area and is ideal for this type of business.

Chris Davey stated that the building has been vacant for a long period of time, and this is the best location for this type of business.

**MOTION** to move to recommend approval to the City Commission regarding a Conditional Use request to allow a Domestic Animal Services facility offering Pet Services and a Pet Hotel for Wanderlust Dogs located at 355 North Congress Avenue, finding that the request is consistent with the Land Development Regulations and the Comprehensive Plan was made by Allen Zeller and seconded by Max Weinberg.

**MOTION CARRIED 6-0**

**D. City Center Delray, Conditional Use (2022-126):** Recommendation to the City Commission for consideration of a Conditional Use request to allow outdoor dining at night for a restaurant associated with the project known as City Center Delray.

**Address:** 10 N. Swinton Avenue and 37 W. Atlantic Avenue

**PCN:** 12434616010600150,

**Owner/Applicant:** MDG Banyan Delray Partners, LLC; smichael@banyangroupe.com

**Agent:** Neil Schiller, Government Law Group, nschiller@govlawgroup.com; John Szerdi, john@ldggl.com

Katherina Paliwoda, Planner entered the File No. 2022-126 into the record.

#### **Applicant Presentation**

Neil Schiller, Government Law Group; 200 S Andrews Ave, Fort Lauderdale, FL 33301  
Steve Michaels

#### **Staff Presentation**

Katherina Paliwoda, Planner presented the project from a Microsoft PowerPoint presentation.

**Allen Zeller stepped for this item, as he is an officer and board member of a local, not-for-profit organization which adopted a resolution that relates to the Doc's Restaurant, proposing that the applicant first obtain from the local and state registry to preserve Doc's Restaurant as a historic and contributing building.**

#### **Exparte Communication**

Julen Blankenship- None

Joy Howell- Met with staff and spoke with the Historic Preservation Trust

Max Weinberg- Receive a call from the applicant.

Chris Davey-Spoke with Mr. Schiller

Rob Long- Spoke with Mr. Schiller and the applicant

### **Public Comment**

George Long, 46 N Swinton Avenue. Mr. Long did not object to the outdoor dining and is not concerned that the late hours will disturb the neighboring residents.

### **Rebuttal/Cross**

Neil Schiller noted that the Board is going to be making a recommendation to the City Commission regarding outdoor dining until 2AM.

### **Board Comments**

Joy Howell requested clarification from staff if the subject property was located outside the entertainment district and asked the applicant why late-night hours are appropriate for this location. Ms. Howell was not comfortable approving the late hours when other neighboring business close at midnight.

Julen Blankenship noted that the Board can impose conditions regarding the hours of operation in accordance with LDR Section 2.4.4 (C). Ms. Blankenship has no issue with the outside dinning but did not believe that late night business hours were appropriate and that a business other than Docs can be established at that location.

Max Weinberg did not support the granting of late business hours and requested clarification if the proposed business on the Doc's property would be operating as a restaurant.

Rob Long noted that the use of the Doc's property should be consistent in how it operated historically.

Chris Davey noted that this request is before the Board only because there was a lapse in the use. Mr. Davey initially was initially supportive of granting late business hours but feels that a midnight closing is more appropriate as other neighboring establishments close at midnight.

**MOTION** to move a recommendation of approval with conditions to the City Commission for a Conditional Use request (2022-126) to allow outdoor dining at night for the restaurant associated with the project known as City Center Delray, by finding that the request is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations subject to the condition of a midnight closing was made by Max Weinberg and seconded by Julen Blankenship.

**MOTION CARRIED 5-0**

## **9. LEGISLATIVE ITEMS**

**A. Retail Eyeglass Store with Optometry Services (2022-199):** Provide a recommendation to the City Commission on Ordinance No. 26-22, a privately initiated amendment the Land Development Regulations (LDR), amending Appendix-A - Definitions, to define eyeglass stores with limited optometry services as a retail use.

**Agent:** Matthew H. Scott, Esq., Dunay, Miskel, & Backman LLP; mscott@dmbblaw.com

**Planner:** Rebekah Dasari, Interim Principal Planner; [dasarir@mydelraybeach.com](mailto:dasarir@mydelraybeach.com)

Rebekah Dasari, Interim Principal Planner, entered the File No. 2022-199 into the record.

**Applicant Presentation**

Matthew Scott Dunay, Miskel & Backman LLP 14 SE 4th Street #36, Boca Raton, FL 33432

**Staff Presentation**

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

**Experte**

Julen Blankenship- Received and email

Joy Howell- None

Allen Zeller- None

Max Weinberg- None

Chris Davey- Received a letter for Mr. Scott

Rob Long- Spoke with Mr. Scott on the Phone

**Public Comment**

None

**Rebuttal/Cross**

None

**Board Comments**

Julen Blankenship asked the applicant to define what limited optometry service is.

Allen Zeller was opposed to allowing optometry services throughout the Central Business District. Mr. Zeller asked if the applicant could submit for a waiver to allow for optometry services.

Rob Long was supportive of the amendment as the applicant has addressed Board's and Downtown Development Authority's concerns. Mr. Long did not think that allowing this use was detrimental to the Central Business District.

Joy Howell asked if the store would keep retail hours.

Max Weinberg noted that customers commonly expect an optometrist present in an eyeglass store and was in favor for recommending approval to the City Commission.

Chris Davey stated that this is the changing nature of retail and would have preferred that the amendment would require a conditional approval to prevent multiple eyeglass stores on the same street.

**MOTION** to recommend approval to the City Commission of Ordinance No. 26-22, amending Appendix-A - Definitions, to adopt a definition for eyeglass stores with limited

optometry services, 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 Rob Long and seconded by Julen Blankenship.

**MOTION CARRIED 6-0**

**B. Capital Improvements Plan:** Provide a statement of finding that the 5-Year Capital Improvement Plan for FY 2022-23 through FY 2026-27 and the FY 2022-23 Capital Improvement Budget are consistent with the Comprehensive Plan and providing a recommendation to the City Commission on Ordinance No. 27-22.

**Planner:** Rebekah Dasari, Interim Principal Planner; dasarir@mydelraybeach.com

Rebekah Dasari, Interim Principal Planner entered the file into the record.

**Staff Presentation**

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

**Board Comments**

Allen Zeller asked if Atlantic Dunes Park improvements were included in the Capital Improvement Plan and asked if the Board can veto certain items contained in the Capital Improvement Plan. Mr. Zeller voiced opposition to removing Australian Pine Trees in the Atlantic Grove Park but indicated that additional parking is required.

Joy Howell and Max Weinberg echoed Mr. Zeller's concerns regarding the removal of Australian Pines at the Atlantic Grove Park. Mr. Weinberg recommended that the City explore the option of building a parking garage on the City parking lot.

Julen Blankenship noted that the improvements at Atlantic Grove Park would include renovation of the existing parking lot.

Rob Long noted that many municipalities have removed Australian Pines as they do not withstand strong winds.

**MOTION** to provide a statement of finding that the proposed Five-Year Capital Improvement Plan for FY 2022-23 through FY 2026-27 and the FY 2022-23 Capital Improvement Budget, as set forth in Ordinance No. 27-22, are consistent with the Comprehensive Plan was made by Max Weinberg and was seconded by Joy Howell.

**MOTION CARRIED 6-0**

**10. REPORTS AND COMMENTS**

**A. CITY STAFF**

- Upcoming meetings will be held on September 12, 2022 and October 17, 2022.
- The MROC Land Development Regulation amendment was passed on August 9<sup>th</sup>
- A comprehensive review of the Land Development Regulations regarding the consumption of alcohol outdoors is being conducted.



- The home-based business Land Development Regulation is going for second reading on August 16, 2022.
- Rob Long and Max Weinberg were recognized for their service on the Board

**B. BOARD ATTORNEY**

William Bennett thanked Max Weinberg and Rob Long for their service on the Board and congratulated Chris Davey and Allen Zeller on their reappointments.

**C. BOARD COMMENTS**

Max Weinberg and Rob Long were thankful for the opportunity to serve on the Board.

**11. ADJOURN**

There being no further business to come before the Board, the meeting was adjourned at 7:30 pm.

The undersigned is the Board Secretary of the Planning and Zoning Board and the information provided herein is the Minutes of the meeting of said body for **August 16, 2022**, which were formally adopted and **APPROVED** by the Board on **November 24, 2022**.

ATTEST:

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Chair

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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.