

MINUTES OF THE HISTORIC PRESERVATION BOARD

PUBLIC HEARING/REGULAR MEETING

CITY OF DELRAY BEACH
DELRAY BEACH, FLORIDA

MEETING DATE: June 19, 2013

LOCATION: CITY COMMISSION CHAMBERS

MEMBERS PRESENT: Annie Adkins Roof, Annette Smith, Samuel Spear, Ronald Brito (6:05 p.m), and Reginald Cox

MEMBERS ABSENT: Ana Maria Aponte

STAFF PRESENT: Amy Alvarez, Terrill Pyburn (Asst. City Attorney), Diane Miller

I. **CALL TO ORDER:**

The meeting was called to order by the Chair, Ms. Annie Adkins Roof at 6:00 p.m.

II. **ROLL CALL:**

Upon roll call by Ms. Miller it was determined that a quorum was present.

III **APPROVAL OF AGENDA:**

Motion made by Ronald Brito, seconded by Samuel Spear, and approved 4-0.

IV **MINUTES**

Motion made by Ms. Smith seconded by Mr. Spear and approved 4-0 to move approval of the April 3, 2013 minutes as written.

Chair Ms. Roof read the Quasi-Judicial Rules for the City of Delray Beach and Ms. Miller swore in all who wished to give testimony on any agenda item.

IV. **ACTION ITEMS:**

A.Certificate of Appropriateness and Class III Site Plan Modification (2013-140)

139 NW 5th Avenue, Big Time Boxing, West Settlers Historic District

Applicant: Amjad Hammad

Authorized Agent: RJS Architects, Inc.

Consideration of a COA and Class III Site Plan Modification for a change of use from retail to an exercise facility within the southern-most bay.

Exparte Communication
Reginald Cox – Drive By
Ronald Brito – Drive By

The subject property is located on the southeast corner of NW 5th Avenue and Martin Luther King Jr. Drive (NW 2nd Street). The property is zoned Central Business District (CBD) and is

located within the West Settlers Historic District. A simple, unadorned, 3,557 square foot, concrete block rectangular building, constructed in 1951 was originally located on the site.

The subject structure is considered non-contributing to the historic district. In 2008, an additional Class III Site Plan Modification was approved which accommodated additional square footage to the interior of the building within a newly constructed second floor. The subject request is for the addition of 260 square feet of mezzanine area within the southernmost bay of the existing building where a boxing ring will be located. The first floor will consist of an exercise area, reception desk, office, and restrooms. There are no exterior modifications or alterations to the site proposed at this time. Therefore, this review applies solely to the interior and the proposed change of use from retail to an exercise facility.

The use is permitted in Central Business District (CBD). Going from exercise facilities to a boxing gym, there are no additional requirements. They do still have parking requirements with additional parking calculated at the same. However, the addition of 260 square feet to the existing mezzanine area requires one (1) additional parking space. Within the CBD, when one additional parking space is required for a change in use, then a one-time parking space exemption may be applied. This exemption has not previously been applied to the property, and therefore, is permitted for the subject request. Therefore, the accommodation of one additional parking space is not required and is thereby exempted. It is noted that any required parking for future development proposals or site plan modifications will need to be accommodated.

A CPTED review has been provided by the City Police Department. A CPTED review is Crime Prevention Through Environmental Design. Regarding the suggested security camera, a written statement should be provided for the file which indicates that a security camera will be installed to overlook the parking areas. This has been added as a condition of approval.

The proposal is to change the approved retail use within the southernmost bay to an exercise facility, a permitted use within the CBD, which is not deemed to create an additional impact on the surrounding area as the development requirements do not differ. The previously approved site plan modifications will not be impacted by the proposed changed of use or addition of 260 square feet of mezzanine area

At its meeting of April 25, 2013, the **Community Redevelopment Agency (CRA)** reviewed and recommended approval of the development proposal.

At its meeting of May 6, 2013, the **West Atlantic Redevelopment Coalition (WARC)** reviewed the development proposal. A recommendation was not made at that time. The item was rescheduled for the June 12, 2013 meeting, which was canceled.

At its meeting of May 13, 2013, the **Downtown Development Authority (DDA)** reviewed and recommended approval of the development proposal.

Staff is recommending approval with the security camera as a condition.

APPLICANT PRESENTATION

Jameel McCline – (Jameel 'Big Time' McCline)

I have been in boxing for 18 years and have fought all over the world. I would like to bring my expertise to Delray Beach, open a gym and bring some pros from all over the world to the gym. I hope when we open that you come down to the gym and see what we are all about.

One questions on the security camera, when does the camera need to be installed. Amy Alvarez explained that we would need a note for the file for certification, and then when you go through the building permit process and you get a CO, the CO needs to include the security system.

PUBLIC COMMENTS

Jay Finst – 707 Place Tavant

I would like to know about the activity at this facility, i.e. what are the ages, hours of the business and a little about the schedule.

Mr. McCline explained that in regards to the activities outside the building, I have no idea what is going to happen. I am more concern about inside and to give the people a structured workouts and some cross training. The age that will be allowed is from 12-70 years of age.

BOARD DISCUSSION

Mr. Cox asked staff why WARC (West Atlantic Redevelopment Coalition) did not make a recommendation at the time of their meeting. Amy Alvarez explained at the time of the meeting there was not a floor plan. WARC brought up questions about if there was going to be competitions because once they did see where the boxing rink was going to be, they did not see enough room for spectators.

Also, Mr. Cox asked about the competition that Mr. McCline talked about. After seeing where the rink was going to be (in the mezzanine) he had concerns that there is not a lot of room for spectators. Is there a statement that says no competitive boxing like big events.

Mr. McCline said that he is going to have some of the best boxers in the world, so this will be competitive. The only thing that we will have is an open sparing, where people and press come and watch them before a big fight.

Mr. Cox asked when there is one of these “open sparing” how many people would you expect to be attending.

Mr. McCline thought it might be as many as 100-150 people there.

Mr. Spear expressed his personal experience and visited a gym in Tampa with boxing and it is the latest thing. Also I am from Philadelphia and I know that it made significant difference to the community. I am hoping that when you are putting this gym together, you will think about impacting the neighborhood.

Mr. McCline has been talking about this topic and bringing in anger management program, scholarship programs and others for the youth. Teaching them the proper way to respect the art of boxing.

Mr. Brito commented that you have tables outside and sharing the programs and experience, but at this point I think that the building is not big enough to do what you want. Anything positive in this area is only a good thing. You want people there that are active and involve.

Ms. Smith thinks that this is a great thing to bring to Delray Beach and if you are new to the area then you need to contact people at the Chamber. A concern that I have has the noise level

been brought up as a concern, from the inside out. Mr. McCline said that this had not been brought up. There would be motivational music inside but no different than any other gym.

Ms. Roof commented that she attends a gym with some ultimate bikes there, so I am very positive about your gym.

Janice Rustin (Asst. City Attorney) wanted to know if the board wanted to talk about the conditions for this project. Is this property zoned for entertainment or is just for exercise.

Amy Alvarez said that exercise facility is the permitted use. If you wanted to do a special event you might have to go through a special permit or a onetime event, but it would not be continuous.

Mr. Cox brought to everyone's attention that residential surrounds the complete facility. This is a concern as parking is going to be an issue on the streets. I think that is something that will have to be worked out and I don't think that it has been discussed yet or has the neighborhood associations been reached out to yet. But our concern is when they have special events.

Amy Alvarez said that yes when they are having these events they will have to come back for special permits.

Mr. Cox again asked about parking and wanted to know if the Spady parking lot could be used. Ms. Alvarez said that Spady's parking is for them and some surrounding buildings, but there is a parking lot south of that, that could be used.

Mr. Spear said that when there was going to be special events you would have to have special permits and at that time it would be evaluated about where to park and if it would be permitted or not.

MOTION

Move approval of the request for a Class III Site Plan Modification (2013-140) for **Big Time Boxing**, located at **139 NW 5th Avenue**, 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 criteria set forth in LDR Section 2.4.5(G), and Article 3 of the Land Development Regulations, subject to the following condition:

1. That a security camera be installed to overlook the parking areas, and that a statement be submitted this confirms that the camera will be installed.

Motion by Mr. Spear, seconded by Ms. Smith. Said motion passed with a 5-0 vote.

B. Certificate of Appropriateness (2013-172) **313 NW 1st Avenue, Old School Square Historic District**

Applicant: Mark Minkin

Authorized Agent: Jason Bregman, on behalf of Michael Singer, Inc.

Consideration of a COA for the construction of a single-family residence and two waiver requests.

Exparte Communication- None

The item before the Board is the consideration of a Certificate of Appropriateness (COA) and waiver requests associated with the construction of a single-family residence on the property

located at **313 NW 1st Avenue, Old School Square Historic District**, pursuant to Land Development Regulations (LDR) Section 2.4.6(H).

The subject property is located on the east side of NW 1st Avenue, north of NW 3rd Street and measures .43 acres. The vacant parcel is located within the Old School Square Historic District and is zoned OSSHAD (Old School Square Historic Arts District). An orchard exists on the property which contains many mango trees.

The subject request is a COA for the construction of a one-story, single-family residence and detached, two-car garage. Square Feet of the house are 4,507 under-air, plus garages. Other descriptions of the house are detailed in the staff report.

The architectural style is reminiscent of 1960's contemporary design with the flat roof lines, clerestory windows, large overhangs, single-light windows, tall wing wall, and minimal ornamentation.

A 4' high concrete garden wall with a smooth stucco finish will run along the front property line, and into the property to attach to the residence. A wood gate provides access to the front entry from the driveway. A 4' tall wood, shadowbox fence will be installed along the south property line, while an 8' tall, wood shadowbox fence is proposed along the rear property line. A 16'x30' swimming pool and hot tub are located in the rear yard and surrounded by a paver deck.

The proposal includes two waiver requests. The first waiver seeks relief to Section 4.4.24(F)(1), which provides for a maximum front elevation width of 60', whereas 71'11" are proposed. The second waiver seeks relief to Section 4.6.5(C), which limits heights of walls within the front yard to 6' in height. The proposed wall which encroaches into the front yard setback measures 14' in height and is attached to the front elevation as an architectural feature.

All of the development standards are met and they are all shown on page 2 of the Staff Report. The foremost portion of the front elevation measures 71'11" in width, which exceeds the 60' maximum as required above. Therefore, a waiver to exceed the requirement has been submitted and is analyzed.

The required parking has been provided within both the attached and detached two-car garages.

In regards to the Historic Preservation Districts and Sites section, all development regardless of use within individually designated historic properties and/or properties located within historic districts, whether contributing or noncontributing, residential or nonresidential, shall comply with the goals, objectives, and policies of the Comprehensive Plan, these regulations, the Delray Beach Historic Preservation Design Guidelines, and the Secretary of the Interior's Standards for Rehabilitation.

A 4' tall garden wall runs along the front property line and also perpendicular to the front property line by connecting to the residence. A chain link fence exists along the north property line, and will be removed. No replacement fence is indicated along the north property line. A 4' wood, shadowbox fence is proposed along the south property line, and an 8' wood, shadowbox fence is proposed along the rear property line. While not a requirement, it is recommended that the 8' tall rear fence be reduced to 6'. The reduction would maintain the lower scaled character of the district, regardless of visibility from the front of the property. There are additional properties which abut the subject property and which are also located within the historic district. The height reduction to 6' has been added as a condition of approval.

In the Visual Compatibility Standards, you can see the very low structure and the height for the majority of the structure is 11'6" with a small pop up which will go to 16'4". All the standards that we analyzed did meet all the requirements and we support all the findings made with respect to the Visual Compatibility Standards.

As previously indicated the proposed wall measures 14' in height within the front setback and is designed as an architectural feature. It is noted that the specific waiver criteria has not been addressed. The waiver cannot be supported in that an architectural feature, or garden wall, such as the one proposed could still be maintained at the required height of 6'. In consideration of the criteria, the increase in height within the front setback may not adversely affect the neighboring area in that the encroachment is minimal and does not add massing to the building. However, the granting of the waiver could be deemed to be a special privilege in that the same feature could be achieved at a lower height. Given this information, the requested waiver cannot be supported and positive findings cannot be made, as proposed. Further, it is added as a condition of approval that the wall be reduced to a height of 6' from 14'.

For the COA, single family residence, we are recommending approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Sections 2.4.6(H)(5) subject to the condition that the fence along the rear property line be reduced to 6'.

In regards to the waiver for the width, recommend approval to the City Commission to permit the width of the front elevation to measure 71'11", whereas 60' is the maximum width.

In regards to the second waiver for the wall, we recommend denial to the City Commission to permit the height of a garden wall to measure 14', whereas 6' is the maximum height permitted within the front yard setback area.

APPLICANT PRESENTATION

Jason Bregman representing Mark Minkin, Owner of the property.

At the last board meeting half of the board saw this presentation, and we have agreed with the staff report. The property is now 3 lots as before you were only looking at 2-1/2 lots. Before Mark Minkin bought the land, a commercial building was going to be built eliminating most of the mango trees. Through the purchase they have been saved and proposing a house (Orchard House) to be built. Mr. Bregman used a power point presentation to explain all the details.

In regards to the front set back encroaching waiver, we are fine with eliminating the height and to take away the waiver all together.

BOARD DISCUSSION

Mr. Brito asked about the rear wall and to clarify that it is not going to be 8'. Mr. Bregman said that they are fine with it being 6'. The client would like it higher, but we do not want a situation where the staff is not supportive.

Mr. Cox wanted to say that it was a great presentation and that he supports the project.

Mr. Spear asked in the rear of the property on the east side, what is behind that? Mr. Bregman said that it is an ally way which is not abandoned used by all house that but up to it.

Ms. Smith agreed that the presentation and supports the project.

Mr. Spear asked the attorney is the waiver for the height of the wall withdrawn?

Janice Rustin (Asst. City Attorney) as Mr. Bregman to verify that he is withdrawing the waiver request for the 8' wall.

Ms. Alvarez said that we will put a condition in the COA, but the waiver for the 8' wall will just go away.

MOTION

Approve the Certificate of Appropriateness (2013-172) for **313 NW 1st Avenue, Old School Square Historic District** 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 LDR Sections 2.4.6(H)(5) subject to the condition that the fence along the rear property line be reduced to 6' and the front garden wall be max 6'.

Motion by Mr. Spear, seconded by Ms. McDonald. Said motion passed with a 5-0 vote.

Recommend approval to the City Commission of a waiver to LDR Section **4.4.24(F)(4)**, to permit the width of the front elevation to measure 71'11", whereas 60' is the maximum width permitted, based upon positive findings of LDR Section 2.4.7(B)(5).

Motion by Mr. Cox, seconded by Ms. Smith. Said motion passed with a 5-0 vote.

REPORTS AND COMMENTS

PUBLIC COMMENTS – NONE

BOARD MEMBERS COMMENTS – NONE

STAFF – Next Meeting will be on July 3rd.

VII. **ADJOURN**

The meeting adjourned at 7:25pm

The undersigned is the Secretary of the Historic Preservation Board and the information provided herein is the Minutes of the meeting of said body for **June 19, 2013** which were formally adopted and approved by the Board on **August 7, 2013**.

Diane Miller

Diane Miller, Executive Assistant

If the Minutes that 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.