

MINUTES OF THE PLANNING AND ZONING BOARD

PUBLIC HEARING/REGULAR MEETING

CITY OF DELRAY BEACH
DELRAY BEACH, FLORIDA

MEETING DATE: May 20, 2013

LOCATION: City Commission Chambers

MEMBERS PRESENT: Clifford Durden, Jan Hansen, Connor Lynch, Thuy Shutt, Craig Spodak and Gerry Franciosa, Derline Pierre-Louis

MEMBERS ABSENT: None

STAFF PRESENT: Paul Dorling, Mark McDonnell, Scott Pape, Terrill Pyburn (Asst. City Attorney) and Diane Miller

I. CALL TO ORDER:

The meeting was called to order by the Chair, Mr. Lynch at 6:00 p.m. Upon roll call it was determined that a quorum was present.

II. MINUTES:

Motion made by Mr. Lynch, seconded by Dr. Spodak, and approved 5-0 to move approval of the February 25, 2013 minutes as written.

Motion made by Mr. Franciosa, seconded by Dr. Spodak, and approved 6-0 to move approval of the March 18, 2013 minutes as written.

Chair Mr. Lynch 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.

III. **COMMENTS FROM THE PUBLIC** - None

IV. **PUBLIC HEARING ITEMS:**

IV. Conditional use requests to allow an increase in density in excess of 30 residential units per acre (69.52 units per acre proposed) and an increase in the building height in excess of 48 feet (60 feet proposed), for Uptown Delray, a proposed mixed-use development that includes the demolition of the existing commercial building and removal of the existing parking lot and construction of 146 residential apartment units and 7,854 square feet of retail/office space in a 6-story building and 6-level structured parking garage. The subject site is located on the north side of SE 2nd Street between SE 4th Avenue and SE 5th Avenue. Quasi-judicial Hearing (Continued from April 15, 2013)

Ex-Parte Communications:

Mr. Franciosa spoke with Mr. Weiner (Attorney)

Mr. Hansen, Mr. Durden, Ms. Shutt, Ms. Pierre-Louis, Dr. Spodak and Mr. Lynch all received email in regard to Uptown Delray, and the emails were added to the record.

Mr. Dorling entered project file No. 2013-030.

This project was before you last month and you have before you the original staff report from last meeting as well as the summary for the meeting today of what has changed. We gave the developer some direction and I will summarize what has changed from last meeting to this meeting.

The development proposal has been modified to reduce the number of dwelling units from 163 (77.62 du/ac) to 146 (69.52 du/ac). Further, the gross floor area of the commercial space has been increased from 4,270 square feet to 7,854 square feet. The additional commercial area was achieved by converting a dwelling unit along SE 2nd Street and the aerobics/pilates/yoga room along Federal Highway to commercial.

The plaza at the northwest corner of SE 5th Avenue and SE 2nd Street has also been enlarged. The entrances to the courtyards along SE 5th Avenue and SE 4th Avenue have been widened. The floor plans have been refined to provide doors for the internal areas such as the trash rooms and some of the electrical rooms. The development proposal includes additional bicycle storage and general storage rooms for the resident's in the ground floor of the courtyard along Federal Highway.

A couple of things that you have given direction on that have not been addressed; including the lack of a narrative or details on how the project will achieve third party certification regarding sustainability, and the resubmittal includes no narrative or details regarding SAFE design elements. With that, the board did receive a letter from SAFE as to their private discussion with the applicant.

With respect to the findings necessary to increase height, they are identified in the staff report and one of those items requires at least twenty percent (20%) of the residential units on the top floor, shall be provided within the development onsite, offsite, or through monetary contributions as referenced in Article 4.7 (fractions shall be rounded up). The workforce housing units shall be at the low or moderate income levels and shall comply with other applicable provisions of Article 4.7.

Then there is a requirement that the increase in height is based on or will result in two, or more, of the following:

*That for each foot in height above 48 feet, an additional building setback of two feet is provided from the building setback lines which would be established for a 48-foot tall structure. The additional setback is required from all setback lines (i.e., front, side, and rear) for the portion of the building that extends above 48 feet. In lieu of this setback requirement, buildings in the CBD zone shall adhere to the setback requirements of that district. *(they do not comply with this)*

*That a minimum of 50% of the ground floor building frontage consist of nonresidential uses (excluding parking). *(they do not meet the standards)*

That open areas, such as courtyards, plazas, and landscaped setbacks, be provided in order to add interest and provide relief from the building mass. *(they have expanded the courtyards as directed, which does provide some relief from the building mass. However, with the conversion from commercial to residential along 2nd Avenue, they have reduced the setback from 10' to 5'*

and have removed the larger trees. While achieving one, they have gone in the wrong direction with the other).

I think they are going to modify the plans, and if they do so I would suggest that we table this and let the staff look at this if you are inclined to support the project at all.

There are standards that shall apply to all applications for new development and modification of existing developments which would result in a density greater than 30 dwelling units per acre. Even if they meet all the criteria there is also a section in the staff report that says, "where it is determined that the proposed project is not compatible in terms of building mass and intensity of use with surrounding development". We can deny this regardless of how it meets the performance standards. With that in mind of the analysis standard, some they meet some they do not. The ones that need to be highlighted are:

The development offers variation in design to add interest to the elevations and relief from the building mass. For example, the building setbacks or planes of the façade are offset and varied. In structures having more than two (2) stories, stepping back of the upper stories (third floor and above) is encouraged to decrease the perception of bulk. Building elevations incorporate several of the following elements: diversity in window and door shapes and locations; features such as balconies, arches, porches; and design elements such as shutters, window mullions, quoins, decorative tiles, or similar distinguishing features. *(levels 3,4,5 & 6 exceed this)*

If the building includes a parking garage as an associated structure or within the principal building, the garage elevation provides unified design elements with the main building through the use of similar building materials and color, vertical and horizontal elements, and architectural style. The garage is designed in a manner that obscures parked vehicles except in places where unavoidable, such as entrances and exits. Development of a portion of the ground floor perimeter adjacent to street rights of way is devoted to window displays or floor area for active uses such as retail stores, personal and business service establishments, entertainment, offices, etc is encouraged. *(they have partially met this)*

A number of different unit types, sizes and floor plans are available within the development. Two and three bedroom units are encouraged, as are a combination of multi-level units and flats. In projects consisting of more than twelve (12) dwelling units, the proportion of efficiency or studio type units may not exceed 25% of the total units. There is no maximum percentage established for projects having twelve (12) or fewer units, however, a mix of unit types and sizes is encouraged. *(they do comply)*

The project design shall create an overall unified architectural character and image by the use of common elements between the building(s), parking lot, and landscaping. Examples of some features that could be incorporated to meet this standard are: freestanding light poles and exterior light fixtures that are decorative and consistent with the architectural treatment of the building(s); pedestrian amenities such as benches, shaded walkways, decorative pavement treatment, that are similar in forms, colors, materials, or details as the architecture of the building(s); focal points such as public art, water feature/fountain, courtyard or public plazas designed to connect different uses along a continuous pedestrian walkway; or a combination of similar features that meet the intent of this standard. *(they do comply)*

The development provides common areas and/or amenities for residents such as swimming pools, exercise rooms, storage rooms or lockers, covered parking, gardens, courtyards or similar areas and/or amenities. *(they do comply)*

The development promotes pedestrian movements by providing convenient access from the residential units to the public sidewalk system. Pedestrian areas adjacent to the building are enhanced by providing additional sidewalk area at the same level as the abutting public sidewalk. Access ways to parking areas are designed in a manner that minimizes conflicts between vehicles and pedestrians. The public street or streets immediately adjacent to the development are enhanced in a manner that is consistent with the streetscape in the downtown area (i.e., installation of landscape nodes, extension of existing paver block system, installation of approved street lighting, etc.).

The development provides opportunities to share parking, access ways, driveways, etc., with adjoining properties, or provides additional parking spaces that may be used by the public.

Projects fronting on Atlantic Avenue, NW/SW 5th Avenue, NE 1st Street or SE 1st Street contain nonresidential uses on the ground floor. At least 75% of the surface area of the front street wall(s) at the ground floor area of each such building is devoted to display windows and to entrances to commercial uses from outside the building.

The landscape plan for the development preserves and incorporates existing native vegetation (where available), provides new landscaping that is in excess of minimum standards (in height and quantity), demonstrates innovative use of plant material, improves site design, provides useable open space or public plazas, and maximizes available areas for pedestrian interaction. If necessary to achieve this standard, the project may exceed the maximum setback area on the ground floor. *(do not comply)*

Proposed development will comply with C,D,E,F & G

Partially comply with D & H

Fail to comply with A

Staff is recommending denial of conditional use.

APPLICANTS PRESENTATION

Mr. Weiner asked for an additional 5 minutes for his presentation as there are 9 items to discuss.

Motion by Dr. Spodak and seconded by Mr. Franciosa. Said motion approved 4-3 to extend Mr. Weiner's presentation time by 5 minutes.

This project was before you on April 15, 2013 and here are some changes that have occurred.

*Compatibility – Office and Retail on most sides.

*Reduced units from 163 to 146.

*The wedding cake building is stepped farther back.

*The court yards have increased.

*Bike racks available at 4 different locations.

*Converted residential space to commercial space.

Mr. Weiner discussed massing by utilizing his power point presentation.

We are looking at height and density and lots of things in the code. With height we have 3 different elements – we are in the right district, we have residential on top, and we are going to have workforce housing, so these things are done.

The one that we have anything to do with is a menu, you get to choose. The code says we have to meet 2 out of 3 items.

1. In a good portion of space that we are not building at all.
2. More than 50% of the frontage must be residential.
3. Increase the courtyard by 23%. We feel that this item is completely met.

On the April 15, 2013 staff report, that is before we went down 9 units, that's before we increased the open space by 23%. At this time we improved the project, but some of the items were not met, and I feel the staff report is missing things. We feel that the code says one thing, and then when it comes to actually looking at the project, it is say that no we want you to do it another way. If something is asked to be done differently, put it in the condition of approval.

Also, on April 15th we met the landscaper's requirements and on April 20th somehow we did not. Mr. Weiner did a power point presentation of the two requirements, and asked the board why they did not now meet these requirements.

Intensities are the same but the only difference is in order to take advantage and make us a different looking building, with the kind of activity that everyone wants to bring to the south side of town, we need to work together.

In the end, have we met the code and where we are supposed to go? You are here to make a recommendation and we want this project to succeed.

PUBLIC COMMENTS

Charles Bonfield – President of SAFE – SAFE is principally interested in preserving our city as a walkable/bikeable city. We are not opposed to exceptions of density as long as well planned. We have met with the developer of this project and we have asked them to do numerous things. We would like the sidewalk back, and if these conditions are met, we approve this project.

Bob Ganger – have an office in Delray Beach – As we get into the whole of the project, we seem to lose the site of the Big Picture. The big picture is conditional use and they go from one number of units, and then go back down and then thinks they are doing a good thing. The City needs to get a grip on conditional use. Some of the board members will be stepping down in August and are these people going to be the one to have the courage to address this conditional use and the codes need to be changed.

Peggy Keller – Oseola Park – I understand the conditional use, as I have been here speaking before. But I think the southside is being overlooked.

James Quillian – President of the HOA of Oseola Park – He went around the neighborhood and got signatures from all the people and they are for the project. (*signature list is filed with the staff reports*) There are no homes that will be effected by this project.

Georgian Goldblum – 615 N Ocean Blvd.- I have been coming to these meeting for some time and everytime I come here there is always an exception to a project.

Chris Davey – President of Mallory HOA – I agree with Bob Ganger. Enough is enough, listen to what the staff report is saying and make a decision.

Christine Revelick – In favor of the project and we need help in our area.

Genie DuPonte – Marine Way – I have been a resident for over 20 years. It seems we get promised a lot of things but don't get them. Oseola does need help.

Benita Goldstein – I am glad that they are building but we feel that we should be scaling down in Delray Beach. I am also concerned about the shared parking.

Allen Schlossberg – Seagate Towers – There is no doubt that we need development in this area. We need to stick to our building codes and our master plan. I think there is a big mistake not having a traffic study, especially on Atlantic Avenue.

Judy Craig – Palm Trail – We need to reinforce our codes so that the height and density is right.

Kevin Homer – 319 SE 3rd. Avenue – People need to walk through this area and see what its like.

Steve Misku – 819 1st Ct. – I am concerned with compatibility projects. They need to look at project to project basis.

Jim Chard – Oseola Park – I live on 4th Avenue and I have never seen drug addicts or homeless people. I worry about the traffic, as Atlantic and Federal are already busy.

Christina Morrison – 2809 Florida Blvd. – This is a great area of town to be developing, but not sure that Federal Hwy is the place to build. It is just getting narrowed. Be careful with this property.

Dr. Vic Kirson – Pres. Tierra Verde – A couple of things that I am concerned about:

1. Residents want the area.
2. Density is not bad. No impact on Delray. Give them what they want.

PUBLIC REBUTTAL – None

Jan Hansen joined the meeting at 7:10pm

STAFF REBUTTAL

Mr. Dorling looked at the power point picture of the project and did say that the angle of the project did look compatible but it was not showing the 6 story part of the building. The position that the attorney takes is that SPRAB takes a look at this and we should move this on does not diminish the fact that the requirements need to be met to allow the density of 30 units per acre. You need to make the findings on this or deny it to the commission. The regulations differ with the attorney and legally do not meet the standards and those findings are found in the staff report.

APPLICANT REBUTTAL

Meeting the rules – Comprehensive plan for Delray Beach Florida says that the most important feature is establishing residences downtown. We need it, we requested it, it asks for it. We are over it. Pushing us down by 40 units an area would not impact us in any way that would make a difference. We are talking about maybe 100 people in downtown and what do we get out of that, block buildings.

BOARD DISCUSSION

Mr. Franciosa asked what did CRA say? Mr. Dorling said that they approved it with a split vote.

Dr. Spodak asked when the Downtown Master Plan was adopted? Ms. Shutt said it was in 2001 and the guidelines were done shortly after that. And when were the LDR's done, the most recent revisions? The Master Plan called for 8000 residential units to establish the CBD. Mr. Dorling thought that number was a little high but he was going to check into it. Dr. Spodak asked how many have been approved and Mr. Dorling says that about 1000 units have been approved.

Mr. Hanson asked for clarity, would you Mr. Dorling please repeat the 3 issues that were not met. Mr. Dorling explained the 3 issues.

Ms. Shutt asked in regards to the landscaping, has it been reduced from 15 ft to 5 ft., and also it has been said that there are additional excess landscaping. Is this for the interior of the courtyard? Mr. Dorling said that this excessive landscaping is predominantly in the courtyards.

Mr. Durden asked about the landscaping, was it over or under the amount? It was not clear on what was required.

Mr. Dorling said there is a difference between providing 25% and going the extra step.

Robert Mathias said that we will be willing to increase any plant material on the exterior of the building to break down the mass.

Dr. Spodak commented that we need people to live here and how bad Atlantic Avenue is, it is neither pedestrian nor vehicular. The people that live close like the project, but when is it enough. Until we get the LDR rewritten to show the Master Plan intent was for density, we will have this.

Mr. Durden said that he agrees that something needs to be built in this area. Staff has done a great job and I have to go along with staff.

Ms. Shutt says that she struggles with the LDRs and commented on the way all these things can work for the city.

Ms. Pierre-Louis said that the last time we had a list of things to address, so what is to say that they are going to be completed next time.

Mr. Weiner asked if there is a recommendation of postponement, are we allowed to skip the recommendation to city commission or are we stopped?

Terrill Pyburn replied that you would be stopped by recommendation of postponement, or you get some direction to move forward.

MOTIONS/FINDINGS

Move a recommendation of **approval** of the conditional use requests to allow for a building height in excess of 48' (60' proposed) and a density in excess of 30 units per acre (69.52 du/ac proposed) for Uptown Delray, 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 Sections 2.4.5(E)(5), 4.3.4(J)(4)(b)(iv), 4.4.13(I), and Chapter 3 of the Land Development Regulations, subject to conditions with the Planning and Zoning Board for density.

Motion by Mr. Francisco and seconded by Dr. Spodak. Said motion failed for density 3-4 (this means density did not pass).

Move a recommendation of **denial** of the conditional use requests to allow for a building height in excess of 48' (60' proposed) and a density in excess of 30 units per acre (69.52 du/ac proposed) for **Uptown Delray**, by adopting the findings of fact and law contained in the staff report, and finding that the request is inconsistent with the Comprehensive Plan and does not meet criteria set forth in Sections 2.4.5(E)(5), 4.3.4(J)(4)(b)(iv), 4.4.13(I), and Chapter 3 of the Land Development Regulations

Motion by Mr. Durden and seconded by Ms. Pierre-Louis. Said motion **failed** for height 6-1.

Mr. Lynch explained to the public that both of these recommendations failed and will now go to the City Commission.

Mr. Lynch also announced that there is a Town Hall Meeting on June 6th that will be addressing a lot of these items. It is encouraged that you attend.

Dr. Craig Spodak has left the meeting at 7:55pm

Abandonment of a portion the sixteen foot wide north-south alleyway lying within Block 102, Town of Delray and extending 244.93 feet north of SE 2nd Street. Quasi-judicial Hearing (Continued from April 15, 2013)

Mr. Dorling entered project file No. 2013-032.

The proposed alley abandonment area is the southern portion of the north/south alley located midway between SE 4th Avenue and SE 5th Avenue. The alley contains existing utilities and provides service access to the adjacent properties. The proposed abandonment will retain an access/utility easement over the entire abandoned area to keep the access open and accommodate the existing utilities.

The abandonment is to accommodate redevelopment of the adjacent property. The proposed Uptown Delray Project is a mixed-use development with retail, office, and residential uses. Since the project will be located on both sides of the existing alley, the abandonment will allow for elevated crossover connections between the east and west portion of the project.

If you recommend denial of the project we recommend that you take similar action on this item if you approve it, we ask that it be subject to conditions including the right away or easement over it identified as Item 2 & 3 in your staff report.

APPLICANT PRESENTATION

Mr. Weiner said that this is all part of the previous presentation and so we don't have to come back through the process we respectfully request that you do vote in favor of it, highlight that the site plan is approved and look for some direction.

PUBLIC COMMENTS

Alice Finst – She thought that this is premature, I think it should stay the way it is. Sometimes the allies are the way to get around town.

REBUTTLE/CROSS EXAMINATION – None

BOARD DISCUSSION – None

MOTION

Move a recommendation of approval of the request for the abandonment of the south 244.93 foot portion of the north-south alley right-of-way located within Block 102 of the Town of Linton Plat, 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 Section 2.4.6(M)(5) of the Land Development Regulations, subject to the following conditions:

1. The site plan for the Uptown Delray project be approved.
2. The alley be abandoned by the replat for the Uptown Delray project and the replacement access/utility easement be dedicated on the plat.
3. That a right-of-way deed be provided by the Developer for the abandoned area and that an Agreement be executed between the City and the Developer, whereby the City may record the right-of-way deed if construction of the project does not commence within one year of recordation of the plat.

Motion by Mr. Hansen and seconded by Ms. Shutt. Said motion approved 6-0 with conditions.

IV.B. Abandonment of the remaining east-west alleyway and a portion of the north-south alleyway lying within Block 1 Belair Heights, in conjunction with the Delray Beach **Fairfield Inn**, located on the south side of West Atlantic Avenue, between SW 9th Avenue and SW 10th Avenue. Quasi-judicial Hearing

Exparte Communication – None

Mr. McDonnell entered project file No. 2013-065-EDR-CCA

The abandonment is to accommodate development of the Delray Beach Fairfield Inn, a 4-story 95-room hotel that was approved by the Site Plan Review and Appearance Board on February 27, 2013. Portions of the abandoned alley will be incorporated into the project.

The alley is located in the South 900 Block West Atlantic Avenue. The alley right-of-way was dedicated by the plat of Belair Heights, which was recorded in Plat Book 20, Page 45, on February 28, 1945. The area to be abandoned is 16 feet wide by approximately 464 feet long and consists of the west half of the east/west portion of the alley and that portion of the north/south alley adjacent to Lots 7 through 12. It is noted that the east half of the east/west alley was already abandoned by the City in 1984. The alley right-of-way to the south of the abandonment area is being retained to provide access within a proposed CRA parking lot at 46 SW 9th Avenue, which was approved by SPRAB on March 27, 2013.

While the alley contains existing utilities, it is unimproved, so it does not provide service access to the adjacent properties. To accommodate the existing utilities that will remain, a general utility easement will be retained over the southern 250' of the abandonment area (the portion of the alley lying east of and adjacent to Lots 8 through 12). To accommodate existing utilities that will be relocated with redevelopment of the property, temporary easements will be established that will be replaced by permanent replacement easements dedicated with a replat of the property.

Community Redevelopment Agency (CRA): The CRA is the current owner of the Fairfield Inn property which is being redeveloped subject to an RFP (request for proposals) issued by the CRA. Since the owner's consent form was signed by the Director of the CRA, no further review by the CRA is required.

West Atlantic Redevelopment Coalition (WARC): The WARC Board reviewed the abandonment proposal at its meeting of May 8, 2103 and recommended approval on a vote of 8 to 0.

Courtesy Notices:

Courtesy notices have been provided to the following groups and neighborhood associations:

- Neighborhood Advisory Council
- Delray Citizen's Coalition
- Atlantic Park Garden
- Gateway
- Lincoln Park

Public Notice:

Formal public notice has been provided to property owners within a 500' radius of the subject property. The Planning Department has not received any letters of opposition to the abandonment. Additional letters of objection or support, if any, will be provided at the Planning and Zoning Board meeting.

Mr. Lynch ask staff why are we abandoning one block south of the project that is causing this. Mr. Dorling said that the lot that is south is CRA's parking lot, it goes through 10th, and includes a corner piece. So we end up with a small piece behind an existing house. Also, the house was notified of this abandonment.

APPLICANT PRESENTATION

Jorge Cepero – Prime Group – He was here for any questions that the board might have.

PUBLIC COMMENTS - None

BOARD COMMENTS

Mr. Hansen asked where in the report is the 900 ft temporary easement? Mr. Dorling said that it is in the ordinance.

MOTION

Move a recommendation of approval of the request for the abandonment of a portion of the alley right-of-way located within the South 900 Block of West Atlantic 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 Section 2.4.6(M)(5) of the Land Development Regulations and including over the southern portion of the abandonment area to accommodate existing utilities.

Motion by Mr. Hansen and seconded by Mr. Franciosa. Said motion approved 6-0.

C.Conditional use request to allow the establishment of a church for Cristo Para Todas Las Naciones (Christ for all Nations) within the Congress Square shopping center, located at the southwest corner of West Atlantic Avenue and Congress Avenue (2280 West Atlantic Avenue, Suite # 2206). Quasi-judicial Hearing

Exparte Communications – None

Mr. Dorling entered project file No. 2013-018 in the record.

The request is in conjunction with the **Christ For All Nations Church (Cristo para Todas las Naciones)**, to allow the conversion of 3,499 sq. ft. into a church use out of an existing 3,649 sq. ft. commercial structure with the balance 150 sq. ft. to remain as a commercial religious retail shop. The building is located within the Congress Square Shopping Plaza at the southwest corner of West Atlantic Avenue and Congress Avenue (2280 West Atlantic Avenue, Suite # 2206). This portion of the building is located in the back of the shopping center, which will be important to know as we go through the presentation.

This space was most recently occupy on the first floor of a 2-story commercial building a Techno-Pro, a vocational technical school offering computer, nursing, and driving courses, while the most recent tenant for the second floor (currently vacant) was R. E. Medical Supplies.

The proposed Christ for All Nations Church (Cristo para Todas las Naciones) will not modify the existing building foot-print and no exterior alterations are anticipated. The existing building partitions will be internally modified to allow the operation of the proposed church. The proposed church will include the following:

Conversion of 3,499 sq. ft. into a church use out of an existing 3,649 sq. ft. commercial structure with the balance 150 sq. ft. to remain as a commercial religious retail shop;

The church will have a congregation of about 124 members and this building site will be their first sanctuary;

Hours of operation will include: Thursdays evenings between 7:30 p.m. - 9:30 p.m. (Worship and Prayer); Saturdays between 7:00 a.m. - 8:00 a.m. (Worship and Prayer); and Sundays from 9:00 a.m. – 11:00 a.m. (Sunday school) and 11:00 a.m. – 1:00 p.m. (Worship and Prayer);

Retail Shop/Book Store Monday through Friday 7:00 a.m. to 9:00 a.m. and Sunday 9:00 a.m. to 3:00 p.m.;

Required findings in the Staff Report as it relates to Future Land Use Map, Concurrency and Consistency. Under Consistency, Future Land Use element Objective A-1, Property shall be developed or redeveloped in a manner so that the future use and intensity is appropriate and complies in terms of soil, topographic, and other applicable physical considerations, is complimentary to adjacent land uses, and fulfills remaining land use needs.

It is noted that the existing commercial building is located within the Congress Square Shopping Plaza on the southwest portion of the plaza. The existing building complies with the minimum required building setbacks for the PC (Planned Commercial) zoning district. Churches have been approved throughout the northwest and southwest neighborhoods, frequently on Community Facilities (CF)-zoned properties where churches are a permitted use (as opposed to conditional use). CF-zoned properties are frequently located adjacent to established residential neighborhoods with residential zoning, and because of this, contain measures that help to insure compatibility. However, this is the first case in the City of Delray Beach in which a church will be located within an existing shopping plaza.

The proposed church will operate within an existing commercial building, and thus, there are no special physical or environmental characteristics of the land that would be negatively impacted by the proposed church. There is a concern with this type of use in a commercial shopping center as it relates to activity levels within the overall center. Given the limited hours of operation, the space will remain inactive during regular retail operating hours. This location tucked back in the southwest corner of this site will mitigate some of these concerns. Further, the code has attempted to address these concerns by limiting the maximum size of such uses 3,500 sq. ft. and requiring a 750' separation between similar uses. Given this uses location within the center and the limits imposed by the LDR, compatibility concerns with this application is limited.

There are conditions discussed about lighting and cameras in the shopping center. There is a letter from the shopping center that agrees to do some upgrades immediately. Natural Access Control (NAC) from both Congress Avenue and West Atlantic Avenue will be adequate, but the parking lot will be grid-locked immediately after scheduled worship services. The Church will likely be a hub of activity in the evening hours as 'Christian Education' and training meet the needs of the Church members. The driveway for the adjacent office complex to the South comes within a 150 feet of the Church. The parking lot has direct access to Congress Avenue. To minimize the vulnerabilities that this readymade escape route creates for Church patrons, it is recommended that the South perimeter should receive a six foot heavy gauge aluminum picket fence that extends from the canal (located along the West perimeter) for at least 100 feet to the East.

On page 7 of the staff report, it talks about additional exterior cameras in the stairwell. In this case concerning the Church, there is no stairwell, so it does not pertain to this project.

With this, the staff is recommending approval subject to conditions Item 1-5, which you find on page 10 of the staff report with the modification of the conditions #4 (That the South perimeter should receive a six foot heavy gauge aluminum picket fence that extends from the canal (located along the West perimeter) for at least 100 feet to the East).

APPLICANT PRESENTATION

Jairo Gonzalez – Architect of the project. – We are compliant with the Florida building codes. We are implementing and enhancing the cameras and installing 2 extra cameras. We are only modifying the interior of the building and working with the fire department. We are improving the outside lighting around the building and are providing 50 parking spaces.

PUBLIC COMMENTS – None

BOARD DISCUSSION

Ms. Shutt asked if they are using the facility only for 1 hour? Mr. Gonzalez said that this hour is only used for prayer.

Mr. Lynch inquired about the sublet of this building, can it be done? Mr. Dorling said that the conditional use has nothing to do with that and no harm if they use it for other functions.

Ms. Shutt said that a lot of churches use their facility for other functions, i.e. weddings, banquets, choir rehearsals.

Mr. Hansen added to the comments that this is a great example of shared parking.

Move a recommendation of approval to the City commission of the conditional use request to allow the conversion of 3,499 sq. ft. into a church use for **Christ For All Nations Church (Cristo para Todas las Naciones)**, by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in Sections 2.4.5(E)(5) and Chapter 3 of the Land Development Regulations, subject to conditions of approval.

Motion by Mr. Hansen and seconded by Mr. Franciosa with direction. Said motion approved 6-0 with revisions to staff condition #4 as follows:

1. Pursuant to LDR Section 4.4.9(D)(17), churches located within the PC (Planned Commercial) zoning districts do not permit child care or day care as an accessory use. If these uses are anticipated they must be approved separately as an additional conditional use;
2. An application is required for any new signage;
3. That at a minimum all existing parking lot perimeter 'shoebox' style fixtures mounted on 25 foot poles located to the west of the most western access to the shopping center from West Atlantic Avenue must be replaced with metal halide or L.E.D. fixtures in order to eliminate glare and provide the truest visual value of color;
4. That the South perimeter should receive a six foot heavy gauge aluminum picket fence that extends from the canal (located along the West perimeter) for at least 250 feet to the East; and north. The exact location of the fence will be coordinated with the Police Department.
5. The four existing exterior cameras (located in all four corners of the building), currently in place, should be upgraded to provide infrared images and that a

maintenance contract for the system be provided that will assure the system will continue to work efficiently.

D.City initiated amendment to the Land Development Regulations (LDR), by amending Section 2.4.3 "Submission Requirements", Subsection (D) "Preliminary Engineering Plans" and Subsection (F) "Final Engineering Plans" to provide for bus shelters; enacting a new Section 6.1.14 "Transit" to provide for bus shelters.

Mr. McDonnell entered project file No. 2013-018 in the record.

This project is city initiated and we have gotten financial contributions or full construction. We have been getting it through the engineering department. We don't have it codified but we do have policies in place.

The amendment specifies that new residential projects of 25 or greater units, non-residential developments measuring more than 10,000 square feet, or any development located adjacent to a transit stop, must include a bus shelter.

Projects not meeting these development thresholds, as well as those that are not located adjacent to a transit stop, are required to contribute 50% (\$5,500) of the cost to purchase and install a complete bus shelter.

PUBLIC COMMENTS – None

BOARD DISCUSSION

Mr. Hansen asked if you already have a existing bus shelter, and someone moves in close to that shelter, where do you draw the line in how much does each person pay. Is there any direction on the distance between two shelters? Would each person have to put a shelter in? What is the contribution of each person if there is more than two.

Ms. Shutt asked when do they contribute to the bus shelters? Would there be an account set up, in lieu of, to pay their fair share. Would it be prior to building permit of that particular development or when is the contribution. Also, can we put in about the lighting, whether it is solar, or tied into the development?

Mr. Lynch asked Mr. Dorling if based on these items, is this something that is pressing or can we reconsider a little bit more detail on how that process would work. This is more toward 25 units or less only and it does not say anything about lighting. Is this something we can add in and come back to? Mr. Dorling agreed and said yes we can come back to this item.

Motion by Mr. Hansen and seconded by Mr. Francisco to postpone till next meeting. Said motion approved 6-0.

REPORTS AND COMMENTS

Ms. Shutt wanted to talk about the SAFE Program. Some of the SAFE recommendations that have been going through, maybe we can work it into sharing among bikes and

pedestrians. They come up with numbers and not sure how they get to them. Maybe we can be of some help to them.

Mr. Lynch mentioned that this Town Hall Meeting will be a good place to get these questions answered.

Parking Management Advisory Board (PMAB)-None

Project Updates (by Paul Dorling)

Gulfstream Plat

Uptown

Amendment to OSSHAD to extend the CBD regulations to a lot which was continued.

Also, I am handing out a letter from West Atlantic Redevelopment Coalition and they want to be engaged in LDR changes in the West Atlantic Corridor and they want to select a committee which would include (1) Planning and Zoning staff and (1) Board Member. They want to come and present to the board and it will be at the next meeting.

With respect to Mr. Lynch comment about the LDRs, there has been a significant push to have some updates to the LDRs, some you may or may not have heard. Certainly there is a desire to toughen up the Conditional Use process, to acquire possibly full site plans with Conditional Use, so you know what you are approving.

There has been discussion about this board taking on larger roles, seeing all aspects of the project, including the site plan aspects, such things as rezoning and conditional use. And the SPRAB board to things like color changes.

Adjourned: 8:45pm

The undersigned is the Secretary of the Planning and Zoning Board and the information provided herein is the Minutes of the meeting of said body for **May 20, 2013** which were formally adopted and approved by the board on **June 17, 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.