

MINUTES OF THE PLANNING AND ZONING BOARD

PUBLIC HEARING/REGULAR MEETING

CITY OF DELRAY BEACH
DELRAY BEACH, FLORIDA

MEETING DATE: April 16, 2012

LOCATION: CITY COMMISSION CHAMBERS

MEMBERS PRESENT: Mark Krall, Craig Spodak, Connor Lynch, and Gerry Franciosa

MEMBERS ABSENT: Cary Glickstein, and Clifford Durden

STAFF PRESENT: Paul Dorling, Mark McDonnell, Terrill Pyburn, Ronald Hoggard, and Denise Valek

I. CALL TO ORDER:

The meeting was called to order by Second Vice Chairman Lynch at 6:00 p.m. Upon roll call it was determined that a quorum was present.

II. MINUTES

Motion made by Mr. Franciosa, seconded by Mr. Krall, and approved 4 to 0 (Mr. Glickstein and Mr. Durden absent) to move approval of the February 27, 2012 and March 19, 2012 minutes as written.

III. COMMENTS FROM THE PUBLIC: None

IV. DISCUSSION ITEMS

A. Election of Officers

Motion made by Mr. Franciosa, seconded by Mr. Krall, and approved 4 to 0 (Mr. Glickstein and Mr. Durden absent) to postpone the Election of Officers until the May 21, 2012 meeting.

B. Planning and Zoning Board Minutes on City Web Site

Mr. Dorling advised that a member of the public at the last Planning and Zoning Board meeting expressed a desire to have the Planning and Zoning Board Minutes be available on the web so that minutes for items discussed by the Board would be available prior to action on the items by City Commission. This is not something that can be accommodated as the Minutes do not get released until this Board has approved them which is usually at the Board's next meeting (one month later). As items considered by the Planning and Zoning Board go straight to Commission final action has usually occurred prior to the Board's next meeting. However, I would suggest or recommend that we put the Minutes on the web site once they are adopted. We will go back to January 2012, and continue to update the site monthly.

Mr. Francisca indicated the issues revolved around a contentious zoning issue (Delray Place Shopping Center) which then went to City Commission without the benefit of Planning and Zoning Minutes. Statements were made about the Board's position which were not substantiated by the written record. The City Commission should have put its decision off until they had the Planning and Zoning Board Minutes. When a case is presented by someone else to Planning and Zoning and then you (Mr. Dorling) present the item to City Commission your testimony is hearsay and may not reflect what was actually said. When you have a contentious issue on a zoning matter either you or the person who makes the presentation here should also attend the City Commission meetings in order to articulate why we made that motion. Mr. Dorling advised he intends to be present at all regular Planning and Zoning Board meetings and City Commission Meetings so this issue should not arise in the future. I will not be presenting all of the items at the Planning and Zoning Meeting as suggested, however I don't think we will have this issue in the future. Mr. Franciosa advised Mr. Dorling came to us at the last meeting and gave us a summary of upcoming items and potential issues. He liked that format and recommended it be continued. Mr. Franciosa advised we had problems with projects in the past and they didn't answer their questions. Mr. Dorling advised we won't have that issue going forward.

Dr. Spodak advised he does not imagine it being too difficult to post the minutes as they are already transcribed. Ms. Pyburn advised if the draft Minutes are not available prior to the City Commission consideration the recording is available.

The Board agreed with staff that the posting of approved Minutes from January 2012 forward was a positive step.

V. LAND USE ITEMS

- A. Amendment to Land Development Regulations Section 4.4.11, "NC (Neighborhood Commercial) District", Subsection 4.4.11(F), "Development Standards", Subsection 4.4.11(G), "Supplemental District Regulations", and Subsection 4.4.11(H), "Special Regulations", to modify the regulations for properties within the Wallace Drive Overlay District
-

Mr. Hoggard entered the project file into the record.

The Wallace Drive Redevelopment Plan, approved in 2004, called for the area between Wallace Drive and SW 9th Avenue to be rezoned from R-1-A (Single Family Residential) to LI (Light Industrial). There are 36 parcels in this area with an average size of 10,307 square feet. Given its location, the (LI) Light Industrial zoning district was chosen as the most appropriate designation for the area in terms of permitted uses. This district allows uses compatible with those on the adjacent MIC (Mixed Industrial & Commercial) zoned properties to the west and serves as a transition zone between the more intense MIC zone and adjacent residential development to the east.

Although the Redevelopment Plan encourages the aggregation of parcels, accommodations were necessary to allow development on smaller parcels where aggregation would not be possible. Of the 36 parcels rezoned to LI (Light Industrial), only 3 parcels meet the minimum lot size requirement of 20,000 square feet and only 6 meet the 100' frontage requirement. To address this issue, the Redevelopment Plan

called for the creation of the Wallace Drive Overlay District with modified development standards to reduce the minimum development area, lot size, lot dimensions and tenant space requirements. These modifications were adopted by the City Commission on February 3, 2004.

The proposed amendment is to support development of a neighborhood commercial center at the southeast corner of SW 10th Street and SW 10th Avenue. The applicant is currently processing a small-scale Comprehensive Plan amendment, rezoning to Neighborhood Commercial and modification of the Wallace Drive Redevelopment Plan to support the project, known as 10th & 10th Center. The Planning and Zoning Board unanimously recommended approval of those actions at its meeting of March 19, 2012.

Under the proposed text amendment, the following changes are being made within the Neighborhood Commercial Zoning District:

- The development standards (lot size, setbacks, etc.) depicted in the Section 4.3.4(K) Development Standards Matrix will be the same as those in the MIC (Mixed Industrial and Commercial) district. The MIC development standards are already being applied on the subject property within the LI (Light Industrial) zoning district in the Wallace Drive Overlay District.
- The requirement for structures to have a minimum of 4,000 square feet is being eliminated within the Wallace Drive Overlay District. This requirement was also eliminated within the existing LI zoning district in the Wallace Drive Overlay District.
- The maximum Floor Area Ratio (FAR) on the property will be limited to 0.25 within the Wallace Drive Overlay District. This restriction implements the corresponding small-scale comprehensive plan amendment processed for the subject property.
- The 2,000 square feet maximum floor area devoted to office or similar uses is being eliminated within the Wallace Drive Overlay District. Since office uses are still appropriate in the area and would have been permitted under the existing Light Industrial zoning, this restriction is unnecessary.
- The 10,000 square feet maximum floor area for a single retail or group of similar uses is being eliminated within the Wallace Drive Overlay District. The property's location within the Wallace Drive Industrial Area supports the development of a structure larger than 10,000 square feet. It is noted, however, that development of the subject property is still limited by the 0.25 maximum FAR which will permit a maximum of 16,220 square feet.

To accommodate the applicant's desire to expedite the process, the proposed text amendment is coming before the Planning and Zoning Board prior to final action by the City Commission on the proposed small-scale comprehensive plan amendment and rezoning, which is scheduled for April 17, 2012. Final action on this text amendment by the City Commission will not occur until after the 31 day mandatory appeal period for the comprehensive plan amendment. If the rezoning of the subject property from LI (Light Industrial) to NC (Neighborhood Commercial) is ultimately denied by the City Commission, this text amendment will be withdrawn.

Courtesy Notices

Courtesy notices were provided to the following homeowner and civic associations:

- Neighborhood Advisory Council
- Delray Citizens' Coalition
- Delray Beach Heights
- Southridge

Board Discussion:

Mr. Lynch inquired if the changes we make would apply to any other zoning categories in the overlay district. Mr. Hoggard advised this would only apply to the Neighborhood Commercial (NC) zoning in this district.

Mr. Franciosa inquired if this affected what was approved the last time, and what was the maximum square footage? Mr. Hoggard advised that this would complement the previous actions and the maximum square footage would remain 16,220 square feet. Mr. Franciosa inquired if this LDR amendment was going to City Commission for approval. Mr. Hoggard advised it will take two readings, and the final reading will not happen until the Comprehensive Plan and zoning action were approved and the appeal period at the State has expired. Second reading will be on June 5, 2012.

Public Comments:

Mr. Jim Zengage, Developer, Southern Developer, advised he agrees with Mr. Hoggard presentation. We worked through all the text changes and we are happy with it. I appreciate your affirmative vote.

Motion:

Motion made by Dr. Spodak, seconded by Mr. Franciosa, and approved 4 to 0 (Mr. Glickstein and Mr. Durden absent) to move a recommendation of approval to the City Commission of an amendment to Land Development Regulations Section 4.4.11, "NC (Neighborhood Commercial) District", Subsection 4.4.11(F), "Development Standards", Subsection 4.4.11(G), "Supplemental District Regulations", and Subsection 4.4.11(H), "Special Regulations", to modify the regulations for properties within the Wallace Drive Overlay District, by adopting the findings of fact and law contained in the staff report, and finding that the text amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M).

VI. LAND USE ITEMS

- A. Final Plat approval in conjunction with the creation of a three-lot single family subdivision for Delray Beach CRA's NW 5th Avenue Plat, located at the northwest corner of Martin Luther King Jr. Drive and NW 5th Avenue. Quasi-Judicial hearing.

Ex-Parte Communications

Mr. Franciosa visited the site.

Mr. Hoggard entered project file no. 2012-100 into the record.

The 0.47 acre subdivision is a replat of a portion of Block 18 of the Map of the Town of Linton (now Delray) Florida, according to the Plat recorded in Plat Book 1, Page 3, of the public records of Palm Beach County, Florida. A blighted single-family home, located on west side of the property, was demolished and the property is currently undeveloped. The CRA owns the four (4) unplatted non-conforming parcels (metes and bounds descriptions) identified as Lots 10, 11, 16 and 20, Block 18, Town of Delray, by the Palm Beach County Property Appraiser. Lot 11 (the east 30 feet of the property) was conveyed to the CRA by the City of Delray Beach in 2008, specifically for the purposes of lot assembly associated with this subdivision request.

The subject property is not located within a geographical area requiring review by the DDA (Downtown Development Authority). Since the proposed subdivision is a CRA project, and is being submitted under the Board's direction, a separate review by the CRA is unnecessary.

The replat of the subject property will allow for the development of three (3) single-family homes. The property will be divided into 3 single-family lots and Tract "A", which is being dedicated for additional road right-of-way for NW 5th Avenue. Utilities (electric, phone and cable TV) will be provided within a 10' utility easement at the back of the property. Gas service, via Florida Public Utilities, will not be provided.

The proposal to plat the three (3) lot single-family residential development is consistent with the Zoning and Future Land Use Map designation for the subject property. Positive findings can be made with respect to LDR Section 2.4.5(J) (Major Subdivisions), LDR Section 3.1.1 (Required Findings for Land Use and Land Development Applications), Section 3.2.3 (Standards for Site Plan and/or Plat Actions) and the Goals, Objectives and Policies of the Comprehensive Plan. The plat will require minor technical modifications, as listed in "Appendix "B" - Technical Items" section of this report, before it can advance to the City Commission.

Courtesy Notices:

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

- Neighborhood Advisory Council
- Delray Citizen's Coalition
- Paradise Heights
- North West Community Improvement Association
- West Settlers Historic District

Applicant:

Mr. Jeff Costello, Assistant Director, Community Redevelopment Agency (CRA), advised he appreciated staff's report.

Public Comments: None

Board Discussion:

Mr. Franciosa inquired what is the square footage of the houses. Mr. Hoggard advised the houses in the neighborhood vary in size, and they are all on 50 foot lots. Mr. Costello advised that based on some of the houses that have been built on lots of similar size the one story houses are 1,200 sq. ft. to 1,400 sq. ft.

Mr. Franciosa inquired what are the setbacks. Mr. Costello advised the front is 25 feet, the side interior is 7.5 feet, and the corner lot is not an issue as it has additional width. We have seen some plans of houses that will meet setbacks and fit on the lots as shown. Mr. Franciosa advised it will be a good addition to the area.

Motion:

Motion made by Dr. Spodak, seconded by Mr. Krall, and approved 4 to 0 (Mr. Glickstein, and Mr. Durden absent) to Move a recommendation of approval to the City Commission of the Preliminary Plat and certification of the Final Plat for the Delray Beach CRA's NW 5th Avenue Plat, 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 Section 2.4.5(J) (Major Subdivisions), Section 3.2.3 (Standards for Site Plan and/or Plat Actions) and Section 3.1.1 (Required Findings for Land Use and Land Development Applications) of the Land Development Regulations, subject to the following condition:

1. That all comments under the "Technical Items" section (Appendix "B") of the report be addressed prior to scheduling the plat for City Commission action.

VII. PLANNING AND ZONING IMPLEMENTATION ITEMS

A. Review of public infrastructure recommendations for inclusion in the upcoming Capital Improvement Plan (CIP)

Review of infrastructure recommendations collected from the public for consideration in the upcoming Capital Improvement Plan.

Mr. McDonnell advised the item before the Board is to review public comments that were offered during the City's Annual Public Infrastructure hearing process, and recommendation that those capital improvement-related projects be incorporated into the next Capital Improvement Plan (CIP).

Public input was available this year through a host of opportunities. The first opportunity to provide public infrastructure comments was during the Planning and Zoning Board meeting held on February 27, 2012. The public was informed of this opportunity by:

- Press Release posted on the City's website under Media Releases, which was sent to 750 email subscribers and mailed to approximately 30+ media contacts
- Twitter message sent to 1,600 followers with link to press release
- Included under News section on the City's website
- Notice to every homeowner and condominium association in the City
- Notice to the Neighborhood Advisory Council
- Notice to the Chamber of Commerce

- Notice to the Delray Citizen's Coalition
- Included on the Planning and Zoning Board agenda posted at various locations

After the public hearing was held at the Planning and Zoning Board meeting, an additional opportunity to provide input was offered via the Open City Hall Citizen Forum. This Forum is provided via a link on the official City of Delray Beach web site, and allows the public to offer their comments on specific topics and questions that are posed. This Infrastructure question was added and received 15 comments. The list of suggestions made by the public through all of these mediums was provided via the staff report.

Board discussion ensued relative to the following:

The Board acknowledged that most of these comments revolved around a desire of the residents of Delray Beach to have a more walkable and bicycle friendly community particularly in the downtown area.

Motion:

Motion made by Dr. Spodak, seconded by Mr. Krall, and approved 4 to 0 (Mr. Glickstein and Mr. Durden absent) to acknowledge the public infrastructure recommendations and recommend they be evaluated for potential inclusion in the upcoming Capital Improvement Plan (CIP) noting that there seems to be a resounding theme of a pedestrian and bike oriented issues coming up and look at achieving that.

VIII. REPORTS AND COMMENTS:

A. Board Members

Parking Management Advisory Board – Mark Krall advised there was a long discussion at the last meeting in regard to the City Manager including the Board in the latest process relative to the parking meters on Atlantic Avenue. We put in some specific things we wanted to be part of the discussion on these included; signage, meters on the Avenue, and valet parking. For the last nine or ten months we have not been given any input or direction related to progression of the recommendations contained in the Parking Management Plan.

B. Staff

Meeting Dates for February

City Commission Meetings

Tuesday, May 1, 2012, City Commission Regular Meeting, 6:00 p.m., City Commission Chambers

Tuesday, May 15, 2012, City Commission Regular Meeting, 6:00 p.m., City Commission Chambers

Upcoming Planning and Zoning Board Meeting Items:

1. Master Development Plan for Bellantica Gardens located at the southeast corner of West Atlantic Avenue and Military Trail.

This site is where Scotty's was. Bellantica will be a five story residential complex that will take advantage of some of the density associated with the adjacent commercial site. They will do common landscaping and pedestrian connections between the two sites. When this first came through it was a larger project. At that time there was opposition and they have taken that into consideration now and moved the highest portion of the buildings westward against the commercial and the lower buildings against the neighborhood to the east. Mr. Franciosa inquired if the developer has met with the adjacent residential owners. Mr. Dorling advised they had not met with the neighbors but they are retaining substantial landscape buffers and old growth trees along the east.

2. Conditional use request to allow the expansion of the Beachway Motel, located at 655 George Bush Boulevard.

This motel is next to the Sail Inn. They want to expand it to double the size. We have issues with parking and access issues. We have given them direction. They need to address the non-conformities and access parking issues.

3. Conditional use for EL Cubetazo to allow a late night business (proposed bar/night club) to operate until 4:00 a.m. within a tenant bay at Linton Square.

This is a 5,000 sq. ft. night club in the retail center on the east side of Congress Avenue, north of 10th in the old Winn Dixie. I am not sure why they want to operate till 4:00 a.m. They cannot sell liquor till 4:00 a.m. they can only serve until 2:00 a.m.

4. City initiated amendments to the Land Development Regulations primarily to provide clarification of the Historic Preservation Board's (HPB) duties, review of variances and development review.

This includes changes to the HPB section of the LDRs, and is really a cleanup and clarification of inconsistencies.

5. Final Subdivision Plat for Villa Sobre Del Mar Plat, located on the south side of SE 5th Street at its intersection with SE 7th Avenue (lying west of the Intracoastal Waterway).

Includes an access track which provides access to the Barton from 5th Street, the 40 feet access tract is being incorporated into the five townhouses to the east to provide parking.

VII. ADJOURN

The meeting adjourned at 7:00 p.m.

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 April 16, 2012 which was formally adopted and approved by the Board on May 21, 2012.

Denise A. Valek

Denise A. Valek, 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.