

MINUTES OF THE PLANNING AND ZONING BOARD

PUBLIC HEARING/REGULAR MEETING

CITY OF DELRAY BEACH
DELRAY BEACH, FLORIDA

MEETING DATE: August 19, 2013

LOCATION: City Commission Chambers

MEMBERS PRESENT: Jan Hansen, Thuy Shutt, Gerald Franciosa, Dr. Craig Spodak, Connor Lynch, Clifford Durden, Derline Pierre-Louis

MEMBERS ABSENT: None

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

I. **CALL TO ORDER:**

The meeting was called to order by the Chair, Connor Lynch at 6:04 p.m. Upon roll call it was determined that a quorum was present.

II. **MINUTES:**

Motion made by Mr. Gerald Franciosa, seconded by Ms. Shutt and approved 6-0 (Jan Hansen arrived to the meeting at 6:07pm and therefore did not vote) to move approval of the July 15, 2013 minutes as written with discussion. Thuy Shutt wanted to clarify that on page 20 of the minutes it states that we did not have a quorum to continue the meeting when The Strand began its presentation. It should read, "*At the time of this items presentation (The Strand), we did not have a quorum.*"

Chair Connor 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** (*Comments on items that are not on the Agenda*)

Jim Smith – Chairman of SAFE

Mr. Smith spoke about the alternative parking, wider sidewalks, bike lanes and all the LDR changes that we need for the "New Delray" that we need to be ready for.

Robert Schwartz – Motiva-Concensus LLC

Mr. Schwartz agreed with Mr. Smith, with all the changes that we hope will come to Delray. But we look at all this as a seasonal thing and we could make Atlantic Avenue a "promenade" all the time here in Delray Beach. We do this for First Night, and just saw this for Taste Makers.

IV. **BOARD APPOINTMENTS**

Appointment of a Planning and Zoning Board member to the West Atlantic Avenue Redevelopment Plan Review Committee.

Connor Lynch asked if there was a volunteer for this appointment. Mr. Clifford Durden spoke to say that he would like to volunteer for this position. Motion made by Mr. Gerald Franciosa to nominate Clifford Durden to the West Atlantic Avenue Redevelopment Plan Review committee, seconded by Jan Hansen and approved 7-0. Motion passes unanimously. Congratulation to Mr. Durden.

Paul Dorling spoke to say that they are planning their first meeting on September 6th, so the representative would attend that meeting.

V. PUBLIC HEARING ITEMS

A Conditional use request to allow an increase in density in excess of 30 units per acre (63 units per acre proposed) for The Strand, located on the north and south sides of SE 1st Street, along the west side of SE 3rd Avenue. The development proposal involves the construction of 198 residential apartment units on two parcels; the north parcel will accommodate 43 residential units within a four-story structure and the south parcel will accommodate 155 residential apartment units within a five-story structure. Quasi-judicial Hearing (Continued from July 15, 2013)

Experte Communication

Clifford Durden spoke with Jim Knight
Gerald Franciosa spoke with Jim Knight
Thuy Shutt got an email from SAFE
Connor Lynch spoke with the applicant
Craig Spodak spoke with Jim Knight

Paul Dorling entered project file No. 2013-183 into the record.

The action before the Board is making a recommendation to the City Commission on the following request for conditional use approval pursuant to Land Development Regulations (LDR) Section 2.4.5(E). This is to allow a residential density in excess of 30 dwelling units per acre pursuant to LDR Section 4.4.13(D)(12). The request is in conjunction with **The Strand**, a proposed 198-unit residential development located on the west side of SE 3rd Avenue, between Atlantic Avenue and SE 2nd Street

At its meeting of July 6, 2004, the City Commission approved a privately initiated small scale FLUM amendment from Community Facilities-Recreation (CF-R) to Commercial Core (CC) and rezoning from Community Facilities (CF) to Central Business District (CBD) for the property bordered by SE 1st Street on the north, SE 2nd Street on the south, SE 3rd Avenue on the east, and the Florida East Coast (F.E.C.) Railway on the west. These requests were submitted in order to accommodate the construction of a mixed-use development containing ground floor retail floor area and condominium residences above known as "The Strand".

At its meeting of February 1, 2005, the City Commission approved a conditional use request to allow a height in excess of 48' (57'-7" proposed) and to allow for a density in excess of 30 units (42.7 units per acre proposed).

At its meeting of March 9, 2005, the Site Plan Review and Appearance Board (SPRAB) approved subject to conditions the associated Class V site plan, landscape plan, and architectural elevations associated with the construction of two mixed-use buildings a south five-story building located along SE 3rd Avenue between SE 1st Street and SE 2nd Street; and a north

four-story building located to the north of SE 1st Street between SE 3rd Avenue and the FEC Railroad. The proposed two buildings combined had 20,841 square feet of retail floor area, 5,361 square feet of office area, and 3,007 square feet of restaurant area, a 176 space parking garage on the basement; a 123 space parking garage on the ground level; and residential dwelling units on the second, third, fourth and fifth levels (134 dwelling units in total). The proposal also included the installation of thirty five (35) parallel off-street parking spaces. The project received final certification but construction never materialized.

A new conditional use application for "The Strand" has been submitted to allow for a density in excess of 30 units (63 units per acre proposed). This conditional use application is now before the Board for consideration. This is now 100% residential development in (2) buildings. Construction of two buildings: a South Building (located between SE 1st Street and SE 2nd Street) with four-story of residential units containing 155 units; and a North Building (located north of SE 1st Street) with three levels of residential units containing 43 units. Both buildings will have covered parking at grade level. The North Building will accommodate 57 parking spaces on the ground level while the South Building will accommodate 223 spaces.

The buildings also include (2) amenity packages, one for each building. There is bicycle parking for each building and also a valet storage parking. There is also a proposal to improve 38 existing on street parking spaces.

There are several waivers being considered but the first one is LDR Section 4.7.9 (i), which requires that the total number of one bedroom units in any qualifying project shall not exceed 30% of the total number of units in the project. The waiver request is to allow the increase in the percentage of one bedroom units over the total number of units from the required 30% to 51% of 100 one bedroom units/198 total units = 51%)

There is relief to setbacks, stacking distance, and sidewalks. Two other ones that are important to this analysis include minimum transparency or glass surface on the ground floor, and one which requires fifty percent (50%) of the garage portion of the building on the ground level to be dedicated to use for retail, office, entertainment or other non-residential uses. This project is 100% residential. These are key waivers from a LDR prospective and necessary from a performance standard that we can grant increased density.

Next we go through the required findings of Section 3.1.1. We have to make positive findings for Future Land Use Map, Concurrency, Consistency and LDR compliance. In this report, positive findings cannot be made with regard to four (b,c,h, and partially f) of the required Performance Standards to grant an increased density above 30 units per acre (63 Units per acre proposed); thus positive findings cannot be made with respect to FLUM consistency.

There are also some policies that are identified in the staff report that are not met and the first one is objective A-1 and we feel that the lack of the non-residential component as required by the LDR's, and a significant shortage of parking, does not allow you to give a positive finding for that objective.

We also do not find C-3 of the Future Land Development or C-3.2 to have been met and the concern of the lack of unit mix and the deficiencies with the LDR compliance.

Performance Standards in the reports need to be met if you are going to grant an increase in density. There are (9) total performance standards and (4) are not met by this development. This is important as they are asking for double the density and to get that density you have to meet all the standards and they are not. There is also an LDR Section 2.4.5(E) that the

Conditional Use request shall be the basis upon which a finding of overall consistency is to be made. Other objectives and policies found in the adopted Comprehensive Plan may be used in making a finding of overall consistency.

There is a significant issue with parking. The on-street parking spaces that the applicant is proposing as new spaces already exist along SE 3rd Avenue, SE 1st Street, and SE 2nd Street and are currently being used by the public. Thus, Staff does not support the use of any existing on-street parallel parking spaces for this project. The project provides a total of 280 spaces which are included within the covered parking areas of the North and the South Buildings while 311 parking spaces are required. Thus, the project has a shortage of 31 parking spaces (311 – 280 = 31 spaces).

Courtesy Notices

Courtesy notices have been provided to the following homeowner's and/or civic associations which have requested notice of developments in their areas:

- Delray Beach Chamber of Commerce
- Delray Citizen's Coalition
- Neighborhood Advisory Council and Osceola Park

Public Notice

Formal public notice was provided to property owners within a 500' radius of the subject property prior to the Planning and Zoning Board meeting of August, 2013. Letters of support or objection, if any, will be presented at the Planning and Zoning Board meeting

In the staff report positive findings cannot be made to Comprehensive Plan Future Land Use Element Objective A-1, Future Land Use Element Policy C-3.2, Housing Element Policy B-2-2 and does not meet criteria set forth in Sections 2.4.5(E)(5) (Detrimental effect upon stability of the neighborhood), LDR Section 4.4.13(I) (Performance Standards), and LDR Section 3.1.1 (Required Findings) relating to LDR compliance including but not limited to Ground Floor Transparency, Mixed Uses retail/residential mix, Parking, and residential unit mix (max one bedroom units). With this staff is recommending denial of this project.

Applicant Presentation

Rusty Kupa – Project Architect
Gary Eliopoulos – Project Architect
Tom McMurray – Ocean Properties - Owner
Alan Ciklin – Owners Attorney
Chris Heggen – Kimley Horn and Associates

We have been working closely with the people of Oseola Park and their concerns. One very important factor to keep in mind throughout our presentation is that our project is located on the FEC Railroad. Most planning councils agree that projects along railroads corridors should be allowed higher density. By 2016 all of north Florida will begin operations on the FEC railroad abutting to our project and it will increase the trip on the railways.

We have compared our density with others that have been previously approved, all happening in the city. Our density is very consistent with the Sofa 1 and Sofa 2 and well below what was granted to Worthing Place. Similar to our request, neither Sofa 1 or 2 had approved plans for commercial component.

Alan Ciklin – Owners Attorney

Mr. Ciklin asked if they would be allowed 15 minutes to present.

Dr. Spodak made a motion to approve the 15 minutes, seconded by Mr. Durden. All in favor with a 15 minute presentation, 7-0.

The first thing that is important about this project is that it is a difficult site. It is on the railroad tracks and second it is two parcels. When you have two parcels separated that is when you have waivers involved. We have had 2 different developers, very experienced, and we feel that they know what they are doing.

Now we have the Sofa 1 and 2 that were applying for the same approval as this project. They are the Conditional Use for increase in density, increase in the percentage of 1/bedroom units, and last no retail required on the ground floor.

In regard to the comp plan, one of the most important objectives is housing in the downtown. It is recognized that housing is important to shopping and the need for a residential base to support the businesses. Density is directly associated to the health and success of the downtown.

Now in regard to the density, everytime you hear about a project and compatibility, you look at the neighborhoods. Mr. Ciklin discussed and compared all the recent projects that have been approved, and went through how many units per acre they are and then looked at what the Strand is offering.

The next issue to discuss is retail on the bottom floor. The original Strand had retail, a quality developer, had all the permits and could not get the project off the ground.

Another issue is the percentage of one bedroom units. We are marketing these units to young professionals and new families with numerous floor plans to pick from. The developer feels that this will be a huge success.

Next, the developer is investing \$500,000 in parking, and they are asking the City to credit 19 of the 38 parking spaces to the project.

Rustem Kupi – 205 George Bush Blvd.

Mr. Kupi went through some more of the highlights of the project with the 2 minutes remaining. He went through some of the amenities in the building such as parking areas, common areas, right of way dedication, electric cars, charging stations, exercise rooms, club house, and library.

Mr. Ciklin finished the presentation with the criteria of the waivers.

1. That it doesn't adversely affect the neighboring area.
2. That it doesn't significantly diminish the provision of the public area.
3. That it doesn't create an unsafe situation.
4. That it doesn't result in special privilege in that the same waiver would be approved under similar circumstance for another project.

Public Comments

Jim Smith – SAFE

The applicants are good business people and they know what works for Delray Beach. These applicants are owner operated, they will never be flipping this project. This project will provide shopping and cheaper rents. They are providing at front desk all kinds of information for the people can know about the City. The applicant is also going to give 5% of rent revenue to the City for a period of 5 years to be used to expand the trolley system. This shows their commitment.

Craig Spodak asked Mr. Smith what his position was that there is no commercial on the first floor.

Mr. Smith said that it is not in his realm but I think they do not need any commercial.

James Quillin – Oseola Park – President of the Homeowners Association.

I concur with Mr. Smith that this is a different kind of building and they are asking for some waivers, but these people are not going to be bringing their cars. They are going to walk or use the trolleys or bicycles. That is why I approve a lot of the designs that they have. I own a property down the street from this project and we are happy this is coming to Delray.

Gail-Lee McDermott – 721 SE 3rd Avenue

I am here tonight representing myself. I live in Oseola Park and we are looking for change. We need to allow density as a lot of people don't want to live in these big houses. We need to be concerned to fill the empty commercial units that need filling, and not adding new empty commercial units. And the name needs to be changed....it leaves a very bad taste.

Steve Blum –

I am not opposed to new development, but what happened to Pineapple Grove. Pineapple Grove has been a tremendous boom to Delray Beach, mostly because of the commercial. This project seems to be a bedroom community and not live up to Pineapple Grove. The trolleys should be taken out and thrown away. They not only take up too much room, but they cause traffic jams.

Christian Morrison – Commercial Realtor

Speaking about Dr. Spodak comment about commercial on first floors of building. I have dealt with commercial landlords that have tried to put commercial space other than on Atlantic and on Federal Hwy and it just doesn't work. Putting commercial on these side streets and it is just not going to work.

Bob Ganger

I am surprised to stand here tonight and agree with most everything that is said here at this meeting. One thing that I see is that the developers are writing the new Master Plan for Delray Beach. This project that is being built is essentially a dormitory for young people to get started living in Delray, and you have to have someplace to get started and I think the Sofa is designed the same way.

Kevin Homer – 319 SE 3rd Avenue

I am in favor of this project because of increased safety, increased restaurant traffic, and increased tax revenue for the City. We need to look at density to see if this should or should not happen in this city.

Dorias Lucien – 229 SE 2nd Avenue

I have a business here in Delray Beach and I have talked to many residents about this project and they are all in favor of this building coming to the City.

Jim Knight – 10 SE 1st Avenue

(Mr. Knight gave a hand out)

I have been working here in Delray for more than 28 years as a commercial realtor. (Jim went through and discussed his hand out) You can look at 43% vacancy.

Albert Jerome – 229 SE 2nd Avenue

Mr. Jerome is an owner of a grocery store for the past 3 years. He has seen this empty lot and sees drugs and drinking and to improve this area we would have less disruption.

Claudia Willis

We have rules and we need to use them. We have a staff that researches these project, we pay them to do this, and we do have rules that are in place regardless of what your vision might be. The vision of the people created the rules that we now have. The last 4 projects that were approved within 1 or 2 blocks of Atlantic Avenue have over 600 one bedrooms. You are changing the entire fiber of the city with so many small units and this is not what is in the current master plan and these are the rules that we need to follow. Please respect the 30% one bedrooms and not allow the higher density.

Craig Spodak asked Ms. Willis what is her real concern with this project.

Ms. Willis said that she is not anti-project, she is happy that there is a project going there, but I think the fiber of the city is changing. I feel that we use to be a family town and I don't see that we are building properties for families to come into our town.

Terrill Pyburn stated as a point of order – that we should ask questions at the end of the comments so that everyone can speak.

Dr. Vic Kirson – Pres. Tierra Verde

I have been here for years listening and this is the first time I have heard the residents go over all the details on the project. This project will give Atlantic and Delray Beach everything it needs, that is the support and income for 12 months of the year.

Bob Schwartz

I have only been a resident for 2 years and very excited about the projects. I see all this going in the positive direction and any delays are probably to blame on the recession. What turned me to accepting this project, besides the great design, is Albert Jerone and Madam Gully. Their endorsement of this project is the design of the building and to make a link over to Atlantic Avenue.

Kevin Rapps

At one time I was on the Board at Pineapple Grove and invested in a property called the Strand. The whole time I was involved in this there was parking problem. Seeing as what has happened to Pineapple Grove (commercial property) they can't even have any events there anymore. Why??...it will hurt the business as there is no way for anyone to get there. I think it will be very positive for the city and I hope it goes forward.

Staff Cross Examination – None

Applicant Cross Examination – None

Staff Rebuttal – Paul Dorling

There has been a lot of emphasis put on density and really density is not the primary issue here, it is the unit mix. Housing is important in the downtown area, but it should not be at the expense of the housing options. What is being proposed here is higher in (1) bedroom units and much higher if you combine the (1) bedrooms with the efficiencies. Now Sofa had a 45% category for (1) bedrooms and this project is asking for 51%, or even higher at 73% if you look at the (1) bedroom with den. Sofa II had a 27% and Uptown had a 28%. If you combine the efficiencies it is much higher. With the performance standards there are 9 of them and they have met 5. They are asking for double the density or meeting less than 60% of the performance standards. Given these factors we cannot recommend approval.

Applicant Rebuttal – Alan Ciklin

It is apparent that nobody knows better about the project than the people that live there and work there. It is a very difficult site and it is on the railroad tracks and you have to get a quality developer to do this and you have one. This project will do something special for this area.

Board Discussion

Jan Hansen – As I sat here tonight I was not sure of the density but I had to listen and learn. First wanted to say that Paul Dorling and staff have done a great job at presenting this project, a lot of work and a lot of effort.

I wanted to talk about commercial and maybe the reason it does not work on 5th and 6th because it is a one way pair and there is a tendency to rush through that area. In this area we would like to see some service commercial in this project. Look at high density in New York and it all has service commercial.

In regard to single family what does a single family 2/2 go for these days. The response was approximately \$2800.00. To me you have professionals that have loans and other things in their budget will not be able to afford this amount. I think we need to provide for the housing for these families.

I would hope that the developer will pay close attention to the acoustics of the building as a concern with the railroad crossing.

Clifford Durden – Great job to Paul and his staff on a great report and the architect. My main concern is the workforce housing that will be provided in this building and the number of (1) bedroom apartments that we will have. Most of the families for this size apartment will be workforce and how you are going to accommodate for these people.

Derline Pierre-Louis – The workforce is my concern and I will not repeat what Mr. Durden has just said. Another concern is the existing parking and I think the presenters stated that it is just lines on the street. I am not sure that these will be needed as parking will be provided underneath. Also, the (1) bedroom that are already in all the other projects, maybe we could eliminate some of the (1) bedrooms and provide more (2) bedrooms and lessen the price.

Gary Eliopoulos –

We are providing 40 workforce housing. We have to distribute them throughout the building. We are only required to have 20 workforce housing, we are providing 40.

Thuy Shutt – The Master Plan and the rules were done with the Market Study, but it seems that the Market Study component has fallen off and we are really worried about the density. My two major concerns are the unit mix and parking however after the presentation there is room for deviation. We were concerned about 10 years ago for the city to support 2 miles of commercial from the interstate all the way to the beach. This project is a little different from Uptown as they have commercial being on Federal Hwy where The Strand is a few over. When they wrote the Master Plan there were 4 major commercial corridors that they could concentrate on..they are Atlantic, Federal Hwy, NW 5th and Pineapple Grove.

If looking at the parking, workforce house generates less than 1.5 spaces per unit, because a lot of these people cannot afford a second car. So if the numbers can be redone you might come up with an adjusted number.

Two questions that I have for the developer are absorption rate and the school board issues.

Jim Knight-With regards to the absorption we feel the property will be stabilized within 15 months of completion of the project. There is a demand for 1 bedroom at this location so 15 months will be stabilization.

Mr. Franciosa ask Mr. Dorling, on page 27 of the staff report, what do you mean by *“The lack of a non-residential component will generate a detrimental effect upon the stability of the adjacent downtown CBD neighborhood”*.

Paul Dorling replied that it would go to the proximity to the Avenue and the fact that we believe the commercial would be better than all residential. We feel that from a non-commercial stand point it would be detrimental.

Mr. Franciosa said that if it is going to have commercial why would it be detrimental.

Mr. Dorling said that we have numbers, and absent other information we cannot rely on the information stated.

Mr. Franciosa asked Paul if it is going to be detrimental by having commercial what would be detrimental. Would you give me an example.

Mr. Dorling said that he could not give an example.

Craig Spodak commented that the staff report was well done but I am concerned on the commercial. I feel that the commercial will be empty for about 5 years and we might not need it now. I also need to speak about the Green Task Force with this project. They need to have the project certified for the city and it shows a commitment back to the community.

Gary Eliopoulos will look at the LEED certification but not until we have our building systems in place.

Thuy Shutt asked if you can be certified but not build the items and the board answered back that definitely things had to be built. So what they have now is the solar panel, green wall, electrical, being in the re-development area will give you points. What they are missing right now is the electrical/mechanical/plumbing components but they get more points for the thermal areas.

Gary Eliopoulos commented on what Dr. Spodak had mentioned on having commercial in the building, and there are already commercial businesses on the street, and by developing this project we are trying to also have people come to these businesses that need help.

Gerald Franciosa asked in the approval process, staff has asked for certain issues be resolved and if they could comment on Items E & H, Page 28 of the Staff Report. Connor Lynch commented and had a question about the conditions also. His understanding is that the architect (Gary Eliopoulos) and Alan Ciklin (owners attorney) have been working on the plans and if we could go through the list and let us know what has and has not been met.

Alan Ciklin stated that we are seeking waiver on a lot of them.

Gary Eliopoulos commented that he had not been able to go through all these conditions and if we could have a moment to discuss them and Connor Lynch (Chair) asked Terrill Pyburn (Assistant City Attorney) if they could have a 2 minute recess for discussion. Terrill Pyburn said that she did not recommend the Board take a recess, but the presenters may have the 2 minutes.

2 minute Break (*Applicant stepped away from the microphone and discussion continued for the board members.*)

Gerald Franciosa was concerned with the parking spaces. We had the Uptown Delray come before us and they had the parking spaces and it impacted the area and now with this project we have less parking spaces.

Craig Spodak said that with this project it will be so dense and less parking spaces that you will not be able to park your car.

Thuy Shutt said that with the commercial owners they will want some multiple vehicle use besides the city transportation and you will have visitors that will come into the city and they will have cars and need parking. Also, how are we implementing the SAFE issues. Connor Lynch said that those things are not written into the staff report but technically it could be made a condition but they are not in exchange for concessions with the plans that we are approving.

Reconvened

Connor Lynch reconvened the meeting with some comments. As my last meeting of Planning and Zoning this has been an interesting project and there was some clear frustration when I read it. I do believe in increased density downtown, but against the high numbers of one bedroom. Some of the issues needed to have been discussed with staff before this meeting and this is very frustrating for me. It is upsetting that the LDR's need to be reviewed and adjusted and that there is such a gap between our Master Plan which is dated and for us to decide that the project should go over 30 units and not have a ceiling on that, and then have the Master Plan to say up to 100 density units, which I am pretty confident our town does not want.

There are a few items with this project that were on the staff report that do not make any sense to me regardless of where you stand on this project. The fact that the den is being counted as a bedroom when it is not, I don't think it should have been done that way. I still have a problem with the 1/bedroom mix. It is a very large number and I am reading a lot about how people are trying to down size into a more European small place. This doesn't mean there should be some concession of being on the railroad tracks. What is frustrating is that as a Planning and Zoning members in this time in our city that we have to make up the number that we think is

right for our town without any plans or LDR's guiding us in regards to what the community is really looking for. So the gap between 30 density units per acre and 100 units per acre is a huge gap. And where is it right to have slightly more near a railroad crossing compared to on the Federal Hwy.

I do want to commend the design style of the project, but I do think the density unit per acre with the project on two sides of the street is difficult. I do also thank them communicating with the neighbors and SAFE.

The setback wavier did not make any sense to me and staff is asking for a waiver. As I was more geared of opposing this project, it seemed like there was more that we could have gone over with the applicant and worked through.

I do have some concerns that there is not any commercial space but I understand that people are looking for rentals. But to have so many 1/bedrooms and no commercial, it put us in a difficult position with the city.

Questions for the applicant is when we come into this meeting, where do you stand on these items.

Gary Eliopoulos said that there are several items that we did receive from staff back in early July and resubmitted the drawings with revision. In regards to the unit count, you need to look at how we have them labeled. When you look at these dens, they are quite spacious for what there is and the mix is there.

We keep talking about commercial space and Rustey Kupi and myself were the original architects of this site. What we had for commercial space after parking, it was very small and we could not have alleys to service it. So there were reasons why the project could not work.

Connor Lynch asked that you had made some changes in early July, what are they?

Gary Eliopoulos said we had right of ways, sidewalks. When staff came to us we had 5ft. sidewalks, and they said we needed 8ft and with pavers. We looked at all the setback and have to work with the utilities. Other items are the right of way along 1st Avenue, a 5ft. dedication along 3rd Avenue.

Connor Lynch asked if the corner clips for NW intersection of SE 1st Street and SE 3rd Avenue.

Rustey Kupi said that the 20 x 20 corner clips already existing. Now to go back to July 4th weekend, we received a letter from P&Z staff to re submit the plans in 1 week. We took care of all the issues, but we found out that these changes were not update in the staff report as everyone was not there. We spoke to Paul before meeting and asked if these changes would be updated in the report and he said that it was the same staff report from before.

Thuy Shutt asked if we could go through the conditions to see where we are.

Alan Ciklin went through the items as follow: (Page 28 of the staff report)

- a. A contribution of approximately one-half the cost of a bus shelter must be paid prior to certification of the site plan for the development. **ACCEPTABLE**
- b. That at least 21 workforce housing units must be clearly depicted within the building floor plan levels (with a clouded note to this effect to be included on the floor plans). **ACCEPTABLE**

- c. That a portion of the North Building perimeter areas of the ground floor that are adjacent to street right-of-way of SE 3rd Avenue needs to be devoted to display windows and/or entrance of commercial/retail uses. **ACCEPTABLE**
- d. That at least seventy-five percent (75%) of the surface area of the frontage facing SE 1st Street wall(s) at the ground floor of the North Building needs to be devoted to display windows and to entrances to commercial uses from outside the proposed North Building. **CHANGE TO READ, "THAT AT LEAST FIFTY PERCENT (50%)"**
- e. That the project design be revised to resolve the shortage of parking spaces.
Alan Ciklin stated if you recall Kimerly-Horn provided a blended parking study at 1.25, so it should **CHANGE TO READ, "THAT THE PROJECT DESIGN BE REVISED TO MEET THE KIMERLY-HORN PARKING REQUIREMENTS."**

Jan Hansen asked Paul if this change with the parking works as it is written?

Paul Dorling said that the problem with providing things to a project at the last minute is just this. I saw the comment relating to the Kimerly Horn subject, and it made a reference to a 5% credit that they allow in Boca Raton, and I would have to look at that. My assumption is that it is not allowed here and its allowed in our sister city and therefore we should accept it here. I don't know what the details are, as the first time that I have seen this was on the screen here tonight.

Connor Lynch remarked to Paul about the applicant having the staff report for a month and a half, this is one of my biggest issue with this project. It seems that staff has had its changes for a month and a half, and here we are tonight having to go through this plan as if we are staff members as many of the things that the applicant have already done are not updated in the staff report.

Paul Dorling said that some of those issues can stay in the report and should stay in the report, and there is no harm.

Connor Lynch said that if they have met the conditions and re-submitted them, how are we to know what they have or have not met. That should be staff jobs not my job or the boards job. When I got the package there were some serious things that started to raise some red flags with me. It was hard to understand what in the report has and has not been done.

Paul Dorling said what he is seeing is that they did not address the first (2) items, they are changing numbers on one of them, which the LDR's is 75% and it stays the same unless the board changes it. Also, they are asking for waivers, so the board can address it one way or another.

Connor Lynch commented on the waivers and asked how many waivers have they made adjustments to.

Paul Dorling said that those waivers are going forward and will be modified depending on what the Commission decides and then it will go to SPRAB.

Connor Lynch said that with Item E, parking, what is the issue with the dens. Are they considered to be bedrooms, and if they are it will alter the parking requirements.

Jan Hansen commented that the architect said that it can only be a bedroom if it has a window. With this we might need to cross review the South Florida Building Code with the LDR's.

Gerald Franciosa asked Paul Dorling why are we asking for a Conditional of Approval for #H (Page 29) if they are asking for a waiver. Paul Dorling said that the staff is recommending for denial, if you are recommending approval you need to do it under those conditions.

Terrill Pyburn (Asst. City Attorney) said that the waivers are not before you tonight, only conditional use.

Paul Dorling said that the board is taking action on only 1 waiver, and the other ones will be by SPRAB. This is not being counted toward the 2 bedrooms. In regards to the definition of a "bedroom" it is on page 17 as follows:

Bedroom definition: A room intended for, or capable of, being used for sleeping and that is at least 70 square feet in area. A room designated on building plan submittals as a "den", "library", "study", "loft", or other extra room that satisfies the definition and is not kitchen, living room, dining room or bath will be considered to be a bedroom for the purpose of computing bedroom area. [Amd. Ord. 8-02 3/5/02]

Alan Ciklin said that with item E (Page 28 Staff Report) we can leave it the way it is and we will supply staff with a copy of the Kimley Horn report to show adequate parking. With this report it does not give us credit for the 38 parking spaces on the street with a cost of \$500,000. To continue with the conditions,

- f. That corner clips measuring 20' by 20' need to be depicted on the site plan for the northwest and southwest corners of the intersection of SE 1st Street and SE 3rd Avenue, and also for the northwest intersection of SE 2nd Street and SE 3rd Avenue. **ACCEPTABLE**
- g. 2' - 6" of r-o-w dedication has already been depicted on the site plan for both sides of SE 1st Street; and a five feet right of way dedication along SE 3rd Avenue from SE 1st Street to the north limit of the north parcel will be required and needs to be executed as part of the required plat for the property. **ACCEPTABLE**
- h. ~~That the project be re-designed to include no more than 30% one bedroom units over the total number of units provided.~~ **THIS ITEM IS ELIMINATED**
- i. That all utility facilities serving the development shall be located underground throughout the development. A note to this effect has been placed on the site plan. **ACCEPTABLE**
- j. Provide a kid's room for younger residents as part of the amenity packet. **ACCEPTABLE**
- k. A plat must be processed and recorded prior to issuance of a building permit. **ACCEPTABLE**

Jan Hansen ask for clarification on Item E, that the 1.25 will account for the guest parking? Mr. Ciklin said that this is the calculation for a studio apartment.

Craig Spodak said that we have to take into consideration the railroad tracks. You get more mix of units, and a higher rent profile,

Thuy Shutt said I think the railroad tracks is a design issue, we are more concerned with the unit mix. We need to always look at these things if another development comes in to the area.

MOTION/FINDINGS

Move a recommendation of approval to the City Commission of the conditional use and waiver request to allow a density in excess of 30 units per acre (63 du/ac) for **The Strand**, 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), 4.4.13(l) LDR Section 3.1.1 (Required Findings) of the Land Development Regulations, subject to conditions:

That the applicant submits an application for Class IV Site Plan Approval, which will address the following issues:

(a), (b), (c), (d-amended to 50%), (e), (f), (g), (h-eliminated), (i), (j), (k), and (l-to be added, with discussion. Craig Spodak ask that the developer get a Green Certification through either the Green Building Council or the LEED Certification).

MOTION

Motion by Mr. Hansen and seconded by Dr. Spodak (with discussion).

Dr. Spodak amended his motion to include an additional condition with item (m) that applicant agrees to work with SAFE on the items that were listed and second by Thuy Shutt. Said motion approved 6-1.

Paul Dorling asked that because you took out the condition relating to the 30%, I would assume that you are recommending approval of the waiver on page 2 of the staff report, #1, LDR Section 4.7.9 (i).

Move a motion to approve a waiver to LDR Section 4.7.9 (i), which requires that the total number of one bedroom units in any qualifying project shall not exceed 30% of the total number of units in the project. The waiver request is to allow the increase in the percentage of one bedroom units over the total number of units from the required 30% to 51% of 100 one bedroom units/198 total units = 51%). That would be pursuant to positive findings with 2.2.7 (b)(5).

Motion by Mr. Hansen and seconded by Dr. Spodak. Said motion approved 6-1. (Connor Lynch dissented)

V.B. Consideration of a City-initiated amendment to the Land Development Regulations (LDR), by amending Section 2.2.4, "The Board of Adjustment", Subsection B, "Composition", to modify the Board member requirements.

Paul Dorling said that this modifies the specific background requirements for the members. Right now there is no requirements and there are (6) different categories that are suggested that the members would come from.

Public Comments – None

Connor Lynch asked about the requirements for The Board of Adjustment. Mr. Lynch was not sure why these board need a Land Planner and a Landscape Architect.

Terrill Pyburn explained that they have the ability to grant variances to zoning and building code. They also serve as the Board of Construction Appeals.

Connor Lynch said that he understands but to have the same requirements for The Board of Adjustment as other boards seems a little heavy.

Clifford Durden asked that there is not a guarantee to have a lay person on the board.

MOTION/FINDINGS

Recommend approval of the amendment to Land Development Regulations, **Section 2.2.4 “The Board of Adjustment”, Subsection B, “Composition”, To Modify The Board Member Requirements**, 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).

Motion by Dr. Spodak and seconded by Thuy Shutt. Said motion approved 6-1. (Clifford Durden dissented)

V.C. Consideration of a City-initiated amendment to the Land Development Regulations (LDR), by amending Section 2.2.2, “The Planning and Zoning Board”, Subsection C, “Composition”, to modify the Board member requirements.

Paul Dorling said that there are (8) people that can meet the (5) out of (7) seats. Land Use Attorney and Developer was added to the list. We recommend approval.

Clifford Durden added that he would like to reserve (2) spaces for lay people.

Public Comment – None

Jan Hansen would like the motion modified to say at least one of the members to be ‘citizen at large’, and the rest to be as stated in the staff report.

Clifford Durden made a motion that we add the requirements in certain fields, with the exclusion of (2) position which should be allocated to lay members. To clarify the motion, Connor Lynch read,

‘Move a recommendation of approval to the City Commission of the amendment to Land Development Regulations, as listed in the staff report subject to (2) members of the board being conditions to be citizen at large’.

Motion/Findings

“Move a recommendation of approval to the City Commission of the amendment to Land Development Regulations, as listed in the staff report subject to (2) members of the board being conditions to be citizen at large”.

Section 2.2.2 “The Planning And Zoning Board”, Subsection C, “Composition”, To Modify The Board Member Requirements, 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).

Motion by Clifford Durden and seconded by Jan Hansen. Said motion approved 4-3 (Craig Spodak, Thuy Shutt and Connor Lynch dissented)

D. Consideration of a City-initiated amendment to the Land Development Regulations (LDR), by amending Section 8.1.1, "Community Redevelopment Agency", Subsection B, "Members" to provide that the appointments for Chair and Vice-Chair occur on an annual basis

Paul Dorling presented that the Redevelopment Agency. Right now, the current requirement does not put a limit on the Chair and Vice Chair of how long they can serve. This will require them to be appointed on a annual basis. This would not prohibit them to serve multiple terms but they would have to be reaffirmed each year.

Public Comment – None

Jan Hansen said that his concern is that you have someone that has been on the board for only a year and they are just getting to know what is going on.

Thuy Shutt answered that these appointments would only be for the Chair and Vice Chair.

Connor Lynch asked Paul Dorling that all the boards have an attendance taken at each meeting, and wanted to know why the CRA does not. Would he know who dictates this.

Paul Dorling was not sure why there is no attendance at CRA and would have to ask.

Motion by Jan Hansen to approve as stated in staff report and seconded by Thuy Shutt. Said motion approved 7-0.

VI. REPORTS AND COMMENTS

A. Board Members

Connor Lynch wanted to thank everyone on the board, that it has been great getting to know you all. I have enjoyed serving as the Chair and it has not been easy at times, and it has been a very interesting year. Tonight has been a very interesting way to end the year, but I do appreciate everything and have enjoyed being here.

Parking Management Advisory Board (PMAB)

Topics:

- Downtown Garage
- Garage near Mellow Mushroom and discussing if there should be commercial on the ground floor.
- Meters

Connor Lynch commented on the LDR changes and aligning it with our master plan is important to the city. I think the GREEN task force is very important to incorporate with this process. I am not sure that I agree with the Commission with their idea to start from scratch with the LDR's. I think some of what we have is good and should stay and some to improve. I am looking for the LDR's to be clearer for the P&Z Board.

Paul Dorling wanted to share with the board that Connor Lynch and I have met and the City Manager and I have met with city commissioners on how to approach this and we are looking at a short term priorities and we are going to bring them forward to the Commission. So we will see them in the next 2 months.

Project Updates

- Chick-fil-a and Suntrust are into their final plats.
- St. George is talking about using the gate as a one way or eliminating it.
- Southgate was approved.
- Abandonments are going forward.

Next meeting

- Final plat Lintco
- City Engineer will respond on the Infrastructure
- 5/year Capital Improvement Plan.

VII. ADJOURN

Adjourned: 9:15pm

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 **August 19, 2013** which were formally adopted and approved by the board on **October 21, 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.