

MINUTES OF THE PLANNING AND ZONING BOARD

PUBLIC HEARING/REGULAR MEETING

CITY OF DELRAY BEACH
DELRAY BEACH, FLORIDA

MEETING DATE: July 16, 2012

LOCATION: CITY COMMISSION CHAMBERS

MEMBERS PRESENT: Clifford Durden, Gerry Franciosa, Cary Glickstein, Mark Krall, and Connor Lynch

MEMBERS ABSENT: Jan Hansen and Craig Spodak

STAFF PRESENT: Mark McDonnell, Ronald Hoggard, Brian Shutt and Rebecca Truxell

I. CALL TO ORDER:

The meeting was called to order by the Chair, Mr. Glickstein at 6:07 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 5 to 0 to move approval of the May 21, 2012 minutes as written.

III. DISCUSSION ITEMS:

Appointment of an Alternate to the Parking Management Advisory Board

Motion made by Mr. Franciosa, seconded by Mr. Durden, and approved 5 to 0 to appoint Connor Lynch as an alternate to the Parking Management Advisory Board.

IV. COMMENTS FROM THE PUBLIC:

Jim Smith, 1225 South Ocean Boulevard, asked if the City Engineer's office will be preparing a written response to each of the citizens' requests for infrastructure improvements.

Mr. McDonnell, Assistant Director of Planning and Zoning, responded that the Planning and Zoning Department did receive Mr. Smith's email regarding the public infrastructure public hearing. Mr. McDonnell stated that the list of public comments is compiled, categorized into each individual area - sidewalks, drainage, landscape improvements - and will be presented to the Planning and Zoning Board in conjunction with the upcoming Capital Improvement Program (CIP) Budget.

Mr. McDonnell stated that in July and August, a list of CIP items are reviewed by staff and prioritized, and then presented to the Planning and Zoning Board for a finding of consistency

with the Comprehensive Plan and subsequently forwarded to the City Commission for inclusion in the next fiscal year's CIP budget.

Mr. Glickstein stated that if the submittal of comments are requested from the public, unless the public sees specific responses to something that they've taken the time to suggest, even if staff thinks it is not a good idea or not a good idea now, or we can't afford it, if there is not a timely response, it minimizes the whole process of involvement. Mr. Glickstein further stated that more information should be provided to the public as to when those responses will be available.

Mr. Franciosa asked if there are any safety issues that needed to be accomplished.

Mr. McDonnell responded that he thought they were some items relating to public safety.

Mr. Franciosa asked if they were prioritized.

Mr. McDonnell responded that they were random and not prioritized but were grouped by categories, as there were several comments about drainage issues, they were categorized under drainage; if there were sidewalk issues, they would be listed under public safety.

Mr. Glickstein stated that if the public is asked to contribute their time, they should be informed when the responses from the City will be available.

Mr. McDonnell suggested that the Staff Report outlines the schedule so that the public will be aware of the steps taken in the process of the adoption of the CIP Budget.

Mr. Glickstein requested that a representative from the Engineering Department attend the August meeting to address when responses to the public comments will be ready.

Mr. Smith stated that his inquiries were not limited to infrastructure and anything that citizens are asked to give their input, they should get a response.

Mr. Smith stated that he is concerned about the quality of the answers and requests more than a list stating whether an item is included or is not included on the Capital Budget. He said that when he makes a request and says that they are speeding on A1A, the City needs to do something about it, either put in traffic calming devices or start issuing traffic tickets, or take a survey like we did on Federal Highway to quantify if there is speeding. Also, Mr. Smith suggested that responses should be posted on the Open City Hall Forum to address those comments posted by the public.

In a separate matter, Mr. McDonnell stated that a request was received from Kevro's Art Bar to rename the area informally called "Southside" to "Sogro" (for "South of the Grove".) The Planning and Zoning Department does not have any specific objections, however, the Department is not involved in marketing and branding and further stated that the request should be directed to Marjorie Ferrer at the DDA.

Mr. Glickstein stated that he would like to see the area branded in some way and while it could be supported the genesis of that needs to come from the people who have that expertise.

Mr. McDonnell stated that due to Denise Valek's illness, the Minutes for the next few months may be tentative until she returns.

V. LAND USE ITEMS:

- A. Master Development Plan for the Marketplace at Delray Center (initial Master Plan approval following annexation) and including modification of an outparcel from gasoline station to restaurant, located at the northwest corner of West Atlantic Avenue and Military Trail. (Continued from June 18, 2012) Quasi-Judicial Hearing
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There was no ex-parte communication on this item.

Mr. McDonnell entered project File 2012-151 into the record.

Mr. McDonnell stated that the property was recently annexed into the City. The property is located in the Four Corners Overlay Area at Atlantic and Military Trail and therefore any development activity must begin with a Master Development Plan. The proposal is to replace an existing gas station with a fast food restaurant for Pollo Tropical. Mr. McDonnell further stated since the property was recently annexed a master development plan is required to be approved by the Planning and Zoning Board and ultimately site plan approval by the Site Plan Review and Appearance Board. The property is over 30 acres with several outparcels and the shopping center was developed under Palm Beach County jurisdiction between 1980 and 1986. The Master Plan action will approve the existing conditions and modify one of the eight outparcels. The outparcel improvements include the demolition of the 810 sq. ft. gas station on Lot D and construction of a 3,419 sq. ft. restaurant. The request includes a waiver to increase the maximum building setback from 30' to 80'. Staff supports the waiver due to the existing development pattern and the fact that we are not getting a wholesale redevelopment of the property.

Mr. McDonnell stated that in reviewing the Supplemental District Regulations, there are no issues with regard to mix of land uses within the center. *The percentage of open space* is at 16.7% however the restaurant will provide 25% on that outparcel which will increase the overall percentage to 17.1% thus reducing the existing nonconformity. Mr. McDonnell stated that there are no issues with the required findings for the Master development plan with respect to compliance with the LDRs and Comprehensive Plan Policies.

Courtesy Notices:

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

- Neighborhood Advisory Council
- Delray Citizen's Coalition

Mr. McDonnell stated that staff recommends approval of the waiver to allow the building to be setback at 80' as opposed to the required 30' based on positive findings and also that the Master Development Plan be approved and that the Master Development Plan will be modified for Lot D to superimpose the approved restaurant once the Site Plan is approved with the conditions that the site plan will be required to have a minimum 25% open space and a 30' landscape strip along Atlantic Avenue.

Applicant:

Janna Lohta, Attorney with Holland & Knight, 515 E. Las Olas Boulevard, Ft Lauderdale appeared on behalf of RLV Marketplace, LP, owner of the overall shopping center as well as the outparcel that is currently being redeveloped. Ms. Lohta stated that the Marketplace of Delray was originally permitted and developed by Palm Beach County and it was annexed into the City in December 2010. The Master Development Plan before the Board includes two conditions of approval which the client is fully willing to cooperate with. Ms. Lohta stated that the site plan will show the 30' buffer along Atlantic Avenue and the reason for the waiver was for the circulation pattern for the drive-thru facility and also to keep the visual continuity of the development pattern within the Marketplace at Delray.

Cross examination: None

Public comments: None

Motion:

Motion made by Mr. Lynch, seconded by Mr. Krall and approved 5 to 0, a waiver to LDR Section 4.4.9(F)(3)(f)(1), which requires that to the greatest extent possible buildings shall be placed at the maximum setback of 30 feet (80 feet proposed), based on positive findings with LDR Section 2.4.7(B)(5).

Motion made by Mr. Lynch seconded by Mr. Krall and approved 5 to 0, the **Marketplace at 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 Section 2.4.5(F)(5) and Chapter 3 (Performance Standards) of the Land Development regulations, subject to the conditions listed in the staff report.

- B. Final Subdivision Plat for Villa Sobre Del Mar Plat, a proposed seven (7) lot subdivision located on the south side of SE 5th Street at its intersection with SE 7th Avenue (lying west of the Intracoastal Waterway). Quasi-Judicial Hearing
-

There was no ex-parte communication on this item.

Mr. Hoggard entered File No. 2012-097 into the record. The subject property is located on the south side of SE 5th Street immediately south of 7th Avenue and is adjacent to the Intracoastal Waterway and contains an existing five unit townhouse development and a single family house. The owners of the five unit townhouse acquired 40' immediately to the west for the purpose of constructing additional parking. Within that area there are existing easements that provide access to the Barrton Condominium which is located to the south. Those easements will remain in place with the plat. The five unit townhouses which are currently in fee simple ownership were divided by metes and bounds descriptions and the plat will create five townhouse units. The single family house lot will be divided into two lots.

Mr. Hoggard stated that pertaining to the required findings of Section 3.1.1(A) findings of compatibility can be made with respect to the Future Land Use Map and zoning, further

concurrency findings for water, sewer, drainage, streets and traffic, parks and recreation are made. However, staff is waiting the determination of school concurrency from Palm Beach County School District which is needed prior to the item moving forward to the City Commission.

Mr. Hoggard further stated that since the existing house on the single family lot was built prior to 1982; they will be required to provide the \$500 park fee for both single family lots. Positive findings can be made for compliance with the Land Development Regulations in terms lot sizes and dimensions for the single family lots that are proposed on the west side. With respect to consistency with the Comprehensive Plan, under Future Land Use Element Objective A1 there are no special environmental characteristics as the parcel is developed and the only changes includes the addition of a parking lot and an additional single family house.

Courtesy Notices

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

- Neighborhood Advisory Council
- Delray Citizen's Coalition
- Barrton Condominium
- Parks Department

Mr. Hoggard stated that the Plat is consistent with the Future Land Use Map and with the findings of concurrency, consistency and staff recommends approval of the preliminary plat and certification of the final plat subject to conditions.

Mr. Glickstein inquired if the purpose of the replat was to gain the additional buildable lot.

Mr. Hoggard responded that as a portion of the parcel to the west was being sold, that required the single family lot to be included in the subdivision. Also, the plat corrected the legal descriptions which were created by metes and bounds descriptions.

Mr. Franciosa inquired if they were two separate plats for the parking lot and the two single family homes.

Mr. Hoggard responded that the parcels are under separate ownership but contained in one plat and the homeowners association controls the 40' tract.

Applicant

Bradley Miller, Miller Land Planning, stated that the 40' strip was purchased from the single family lot to add the parking, which required the plat. The single family parcel was included which also allowed the property owner to subdivide the remaining portion of his parcel into two lots.

Public Comments: None

Motion

Motion made by Mr. Lynch seconded by Mr. Durden and approved 5 to 0, to recommend approval to the City Commission of the Preliminary Plat and certification of the Final Plat for the **Villas Sobre Del Mar 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 condition contained in the staff report.

VI. PUBLIC HEARING ITEMS

A. Consideration of the South Federal Highway Redevelopment Plan.

There was no ex-parte communication on this item.

Mr. Hoggard said there were two emails received on this item and one comment on the Open City Hall Forum.

The policy dealing with South Federal Highway was initially added to the Comprehensive Plan as part of Plan Amendment 2008-1 that was adopted December 9, 2008. This followed the major downturn in the automotive industry in 2008. Due to the large concentration of automotive commercial uses in this area, the City Leaders were concerned what would happen to the area if the automobile dealerships started moving out. Thus, staff was directed to look at the overall area to determine more sustainable types of land uses for the area.

In 2010, during the proposed Wal-Mart rezoning of the former Ralph Buick property located on the East Side of Federal Highway, concerns with respect to compatibility for that type of use on the east side of Federal Highway were raised by the residents. Thus the plan was expanded from dealing mainly with use issues to incorporate how this interfaces with the residential community to the East as well as dealing with setbacks and tenant sizes in this area.

Mr. Glickstein questioned why the plan is different from other redevelopment plans because it not only focused on uses but also focused on public comment to a specific request.

Mr. Hoggard responded that it addresses both but staff struggled with how to deal with the residential community to the east and try to create a plan that is marketable but at the same time protect the residential community.

Mr. Glickstein stated that the plan should be done like that all the time and it should not be an exception.

Mr. Hoggard responded that compatibility is addressed with all plans and how uses are interfaced with each other, just not to the extent that this one does.

Mr. Durden asked what is different about this than the others.

Mr. Hoggard responded that there was such an outcry by the residential community in this area that it needed to be looked at specifically in terms of how this commercial impacted the residential communities.

Mr. Durden asked if it was only looked at specifically because of the outcry.

Mr. Hoggard said that it was partly in response to the outcry.

Mr. Glickstein stated that this is a fundamental problem and expressed disappointment in how the Planning Department perceives this item as this is not special and should be more a model and staff should be more proactive than reactive.

Mr. Hoggard responded that the issues that arose with the Wal-Mart situation was primarily site plan related which happened at the zoning stage.

Mr. Glickstein stated the Board disagrees in terms of how the Planning Department presents items and it is very hard for this Board to review a project without that information because otherwise they are forced to look at the worst case scenario. Mr. Glickstein stated that this has come up repeatedly and that he thinks that the way things are presented to the Board need to change in terms of the sequence of information.

Mr. Hoggard responded that zoning cannot be contracted for a specific project, if the project goes away and the use is in, a completely different building could come in, and that is why site plan type issues are not addressed during the zoning stage of approvals.

Mr. Glickstein stated that the Board has different views on that and the Planning Department is not really entertaining those views.

At this time Mr. Hoggard gave an overview of the existing conditions. The plan area extends from Linton on the North, the City Limits on the South, on both sides of Federal Highway. The existing Land Uses are:

- Automotive Commercial
- General Commercial
- Office
- RV Park
- Residential
- Vacant undeveloped property

The vacant parcels are mainly automotive uses that were cut off from the existing dealerships. Overall, over 40% of the area is automotive commercial and 18% is general commercial. The offices, although scattered throughout the area, are mainly congregated in the north, with the Old Harbor Bank Buildings and Linton Towers. The RV Park is located south of the Honda dealership and the residential uses are clustered in two developments on the south which is Latitude Delray and Delray Bay Apartments to the far south.

The non-residential buildings for the overall area measure just over 1.1 million square feet of floor area primarily in automotive sales/service/rental uses. Regarding the automotive commercial uses, Mr. Hoggard stated that Delray Motors, located in the north end has multiple car lines including the Lincoln, Jeep and Subaru dealerships.

Additionally there are the Nissan, Morse Cadillac, Sherwood Dealer, GMC, Ed Morse Toyota and Delray Honda. On the east side there is the Delray Mazda which acquired the property in 2011 and the Delray Kia dealerships. Additionally, there are some smaller car dealerships; including the Thrifty car sales, Enterprises Rental Car, and Presidential Auto Leasing which did a Comprehensive Plan amendment and rezoning last year to add additional parcel to their development, which they have since expanded their parking and car display area.

Regarding the general commercial uses they are mainly the shopping centers in the area along with smaller commercial uses in the Latitude Delray, the Walgreens which is part of the Delray Bay Apartments. The shopping centers include Tropic Square on the North End at Eve Street, Delray Plaza, a little Pit stop, Dumar Plaza which has offices in the back and some restaurant uses in the front, and the South Delray Beach Shopping Center which is the largest shopping center in the South.

The offices which are clustered on the north end include the Old Harbor Office and Bank Buildings and the SunTrust Building on the east side and Linton Towers which is on the west side at the intersection of Linton Boulevard and Dixie Highway.

Residential is located at the south end of the area and includes the Latitude Delray which has 114 approved units, but got caught in the downturn and only 56 of the units were built, and Delray Bay Apartments which is completely built out and there are 166 apartments. Also there is an existing RV Park.

The vacant undeveloped land includes the Ralph Buick site, which is 6.2 acres. Also there is a small vacant property in the rear of the existing Hookah lounge and pawn shop sites. The area in the front was rezoned to general commercial with the rear remaining neighborhood commercial.

Mr. Hoggard stated that with respect to the Future Land Use designations almost all of the Future Land Use in the area is designated General Commercial. However there are small pockets of Transitional and a small area designated Multiple Family which is in error.

Mr. Hoggard highlighted the Comprehensive Plan policies that apply to the area including the requirement for the redevelopment plan for the area; the policy that states that zoning changes to strip commercial uses should be avoided; and that automobile dealerships should be directed to four areas including the area south of Linton Boulevard between Federal Highway and Dixie Highway.

Mr. Hoggard highlighted the proposed changes and recommendations as contained in the staff report and stated that the Future Land Use Map changes from Transitional to General Commercial involve three parcels that include the Old Harbor Office Park, for which there is a pending FLUM amendment and rezoning action; the undeveloped parcels located on the north side of La Mat Avenue which will be changed from TRN (Transitional) to GC (General Commercial) and the Quality Lighting and Accessories, located at the southeast corner of South Federal Highway and La Mat Avenue (rear portion of the property) will be changed from TRN (Transitional) to GC (General Commercial).

Regarding the proposed zoning changes, Mr. Hoggard stated that the Old Harbor Office would be rezoned from POC (Planned Office Center) to PC or to SAD. The parcel behind the Hookah Lounge will be rezoned from NC (Neighborhood Commercial) to GC (General Commercial). The parcel behind the Quality Lighting store will be rezoned from RM (Medium Density Residential) to PC (Planned Commercial). The former Ralph Buick dealership property is recommended to be rezoned from AC (Automotive Commercial) to PC (Planned Commercial). A portion of the Pelican Pointe Condo on Tropic Isle Drive will be rezoned from GC (General Commercial) to RM (Multiple Family Residential) and the Del Raton RV Park will be rezoned from PC (Planned Commercial) to AC (Automotive Commercial).

Mr. Hoggard stated that the Land Development Regulations will be amended to create an Overlay District that includes the following:

- All the AC zoned properties in the redevelopment area will be allowed the alternative of developing under the PC zoning regulations.
- Mixed-use residential/commercial development will continue to be encouraged, but conditional uses for free-standing multiple-family residential development will not be permitted within the overlay district.
- Individual tenants will be limited to a maximum floor area of 50,000 square feet. Mr. Hoggard stated that the residents to the east of the redevelopment area have requested a maximum floor area of 30,000 sq. ft. However staff is recommending 50,000 sq. ft. as it gives more flexibility for development.

Mr. Glickstein stated that he was aware that the square footage was a compromise but inquired if there was any factual relationship to the sizes that currently exist and inquired if commercial realtors were consulted to obtain a handle on future trends.

Mr. Hoggard cited the square footage of a number of stores including Publix 50,000+ sq. ft. range, Whole Foods is in the 34-37,000 sq. ft. range, Winn-Dixie is 50,000 sq. ft. Office Depot's typical store size is 20,000 sq. ft. and they are trying to downsize their stores to 15,000 sq. ft. Kohl's is 87,000 sq. ft. on the upper end, 64,000 sq. ft. on the lower end or the superstores such as Home Depot or Lowes, they're about 125,000 sq. ft.. The regular Target without the groceries and regular Wal-Mart without the groceries is about 125,000 sq. ft. and the Super Targets are 175,000+ sq. ft. Mr. Hoggard stated that those are tenant sizes and not shopping center size.

Mr. Hoggard further stated that to address the resident's concerns, the Redevelopment Plan addresses landscape buffer for the area where commercial property is adjacent to residential on the east side of Federal Highway. Special setbacks and building offsets based on building length will be required to reduce the massive scale and uniform appearance of large buildings when the rear of a commercially zoned property is adjacent to a residential zoning district.

Mr. Glickstein questioned if the setbacks are in addition to the landscape buffer.

Mr. Hoggard responded that they were in addition to the landscape buffer.

Mr. Glickstein inquired if parking could be located within the setback.

Mr. Hoggard responded that parking could be located within the setback area however a part of the setback area includes the landscape buffer which would not allow parking. To give more flexibility with the design, the special landscape setback along South Federal Highway will be eliminated to create an urban edge at the street front by moving storefronts closer to the street and providing parking behind the buildings. However, the special landscape setback must be provided along portions of the parcel where off-street parking directly abuts the roadway.

Mr. Hoggard highlighted the other recommendations including:

- No vehicular access is permitted on residential streets to the rear of the Commercial District.
- No deliveries, loading or unloading operations in the rear of the building, between the hours of 7:00 PM and 7:00 AM.

Mr. Glickstein questioned if the loading and unloading includes dumpster issues and trash pickup.

Mr. Hoggard responded that it does.

Mr. Durden questioned if the trucks would include refrigerated trucks.

Mr. McDonnell commented that refrigeration trucks can be quite loud early in the morning and they would not be able to be allowed until 7:00 AM.

Mr. Hoggard stated that subsequent to the meeting with the residents and the business owners, two issues were raised namely, maintaining the maximum tenant size of 50,000 sq. ft. for the entire redevelopment area or limiting this restriction to the east side of Federal Highway and addressing existing tenant bays that are greater than 50,000 sq. ft.

Courtesy Notices:

Notices were provided to all the property owners and business owners within the Redevelopment Area, courtesy notices to the homeowners associations, a press release and the Open City Hall Forum were also utilized.

Mr. Glickstein requested that staff address the comments about the Plan coming up in summer when people are away and a chronology and timing of the plan.

Mr. Hoggard stated that the plan will be forwarded to the City Commission on August 21, 2012.

Public Comments:

Kevin Warner, 248 Venetian Drive voiced concerns about the timing of these actions, the mechanics of the rezoning of the Office Park which was before the City Commission and is now included in the Plan as a City-initiated change and the delay in the approval of minutes.

Gary Brandenburg, Morse Operations Inc. stated that his client owns five properties and the area has a viable and sustainable automotive industry and voiced objections to the 50,000 sq. ft. maximum floor area requirement for those properties located on the west side of Federal Highway. Mr. Brandenburg further stated that the trend was to build bigger and nicer dealerships. He also opposed the additional buffering for the west side of Federal Highway and the time limitations of 7:00P.M. to 7:00A.M.

Lisa Poursine, Morse Operations, Inc inquired what would happen if two buildings that exceed the 50,000 sq. ft. were located on one parcel and were owned and operated by one tenant and stated that based on the Plan it would prohibit the expansion of the dealerships.

Michelle Sheck, owner of the RV Park stated that the parcel is non-conforming under the PC zoning and the AC gives the flexibility of allowing a PC development and that they do not want to be forced out of a business that they enjoy.

Janice Griffin, owner of Ralph Buick property, read a prepared statement and listed concerns with respect to limiting the maximum tenant size, increasing the setback requirements and that they oppose the proposed rezoning the Ralph Buick property from AC to PC, a designation that allows the most flexibility to one that reduces opportunity. Ms. Griffin stated that while cognizant of and sympathetic to the neighborhood concerns, if the goal is quality redevelopment the Plan must provide the most opportunity for such redevelopment.

Christina Morrison 2809 Florida Boulevard stated that the Ralph Buick property is not being maintained and her comments primarily relate to the parcel at the southeast corner that backs up to a premier waterfront neighborhood and that it is not suitable for high traffic retail. Ms Morrison stated that there is no obligation to change the zoning to commercial and that the POC is the perfect zoning for that corner.

Mr. Glickstein inquired why the office use failed at that corner

Ms. Morrison responded that the buildings were never maintained.

Richard Van Gemert, 912 Eve Street stated that his property is located behind the office parcel and that 30,000 sq. ft. tenant size is adequate for development. The west side of Federal Highway lends itself to general commercial uses but the east side does not with the proximity of the single family homes and suggested that more could be done to protect the property owners in the area.

Mr. Glickstein inquired as to the existing physical characteristics of the site and the characteristics of the commercial uses that would be repugnant to living behind the property.

Mr. Van Gemert responded that the existing buildings are over 400' from his property and if the site is developed commercial the buildings will be located closer to his property and that the buffering is not adequate, there will be noise, odors and trash.

Dr. Victor Kirson, President of Tierra Verde Association stated the the Planning and Zoning staff has ignored the residents and that the Board has denied the Wal-Mart and the Old Harbor Offices and now staff is requesting that the Board approved commercial

uses. Mr. Kirson further stated that the condition of Ralph is a code enforcement issue not a zoning issue.

Kelli Freeman, President Tropic Isle Homeowners Association concurred that the issue concerning the Ralph Buick site is a code enforcement issue and not a zoning issue. Tropic Isle is not against every development but they do want to protect the single family residences in the neighborhood and that there are no other areas where the commercial uses directly abuts the single family residential homes.

Ms. Freeman stated that the residents believe that the tenant size of 30,000 sq. ft. is a viable option for the area and they were not opposed to removing this restriction on the west side of Federal Highway.

Mr. Glickstein inquired if there are any other items in terms of the physical characteristics that the Board should be made aware of.

Ms. Freeman responded that the residents were polled and a majority requested a maximum tenant size of 30,000 sq. ft. and that the buildings be setback closer to Federal Highway so that the dumpsters are not located close to the single family homes.

Public Hearing Closed

In response to the public comments Mr. Hoggard stated that there are areas where commercial zoning is adjacent to residential uses.

Mr. Franciosa inquired as to the sizes of those lots.

Mr. Hoggard responded that they are primarily R-1-A lots of 7,500 sq. ft. Mr. Hoggard further stated that the 50,000 sq. ft. was a compromise with the neighborhood and he concurs that the requirement should not apply to the parcels located on the west side of Federal Highway as well as clarified that the development regulations only applied to the parcels located on the east side of Federal Highway.

With respect to the comments regarding the office parcel Mr. Hoggard stated that the POC does not allow residential and that the City is trying to promote office development along Congress Avenue and in the downtown and this site would compete and that offices would not be viable in this location.

Pertaining to the Ralph Buick property Mr. Hoggard stated that GC zoning is recommended in order to eliminate the AC on the east side of Federal Highway.

Mr. Glickstein requested clarification of the changes contemplated for the west side of Federal Highway.

Board Comments

Mr. Lynch inquired as to the rear setbacks of the AC parcels on the west side of Federal Highway.

Mr. Hoggard responded that the rear setback is 10 feet and clarified that the 25 foot buffer requirement only applies to the parcels on the east side of Federal Highway.

Mr. Lynch stated that he was not sure why the zoning should be changed for Area 1 (Old Harbor Office) and Area 4 (Ralph Buick Property) since the Board had voted down previous rezoning requests, however he concurs with the proposed zoning changes for Areas 2,3,5,6.

Mr. Krall stated that he concurs with Mr. Lynch and that the parcel on the southeast corner should remain Transitional and that this is a special circumstance and in this case a SAD may be more appropriate.

Mr. Durden requested clarification as to the areas where the zoning will be changed and inquired how the rezoning will affect the RV Park.

Mr. Hoggard highlighted the areas recommended for rezoning and stated that a rezoning to AC will give the RV Park more flexibility.

Mr. Glickstein inquired as to the process for adopting the proposed changes.

Mr. Hoggard responded that all LDR changes will be brought back to the Board for a recommendation.

Mr. Franciosa inquired if the POC parcel will be reviewed by the Board.

Mr. Hoggard stated that the POC parcel has a pending petition to PC, however another option is the SAD zoning.

Mr. Franciosa inquired why the Ralph Buick site is being changed to PC.

Mr. Hoggard responded that AC zoning should be directed to the west side of Federal Highway as stated in the Comprehensive Plan.

Mr. Glickstein stated that he agreed with removing the size limitation on the west side of Federal Highway, cautioned the use of the word "extreme", concurred with the new urbanism approach that pushes the buildings away from the residences and requested that the species and sizes of trees be added to the Plan. With respect to the maximum tenant size Mr. Glickstein stated that more important than the tenant size was the overall design of the project. Mr. Glickstein inquired if the SAD zoning could be accommodated on the Ralph Buick property.

Mr. Hoggard responded that the SAD zoning was consistent with all land use designations and the SAD would solve some problems.

Mr. Glickstein stated that he concurred with Mr. Franciosa regarding the Office park and that staff should not look at whether that area is competing with another because the market will determine if the office use is viable.

Mr. Franciosa inquired if the office parcel was rezoned to PC if it would have to meet the requirements in the Plan.

Mr. Hoggard responded that since the zoning was submitted prior to the Plan it does not have to meet the Plan but would have to meet compatibility findings of the Comprehensive Plan and LDRs.

Mr. Glickstein stated that a SAD zoning for both properties would give the public the ability to weigh in as opposed to a typical rezoning that does not provide detailed information.

There was additional discussion regarding rezoning the Old Harbor and Ralph Buick parcels to SAD.

Motion made by Mr. Lynch seconded by Mr. Durden and approved 5 to 0 to recommend to the City Commission adoption of the proposed South Federal Highway Redevelopment Plan with the following changes.

1. That the restrictions pertaining to the maximum tenant size and setbacks be removed from the parcels located on the west side of Federal Highway.
2. That of the six areas outlined for zoning changes that Area 1 "Old Harbor Office" and Area 4 "Ralph Buick Property" remain unchanged however the Board would support a rezoning to SAD.
3. That the Redevelopment Plan be revised to include *species and size of the trees*.

VII. Reports and Comments

A. Board Members

Parking Management Advisory Board – Mark Krall

Mr. Krall stated that there was no Parking Management Advisory Board meeting.

B. Staff

Mr. McDonnell highlighted the upcoming projects.

Meeting Dates for August

CITY COMMISSION MEETINGS

Tuesday, August 7, 2012, City Commission Regular Meeting, 6:00 p.m., City Commission Chambers

Tuesday, August 21, 2012, City Commission Regular Meeting, 6:00 p.m., City Commission Chambers

PLANNING AND ZONING BOARD MEETING

Monday, August 20, 2012, Planning and Zoning Board Regular Meeting, 6:00 p.m., City Commission Chambers:

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

2. Final Subdivision plat for Spodak Dental Office, located on the north side of West Atlantic Avenue, west of High Point Boulevard.
3. Conditional use request to allow the expansion of the Beachway Motel, located at 655 George Bush Boulevard.
4. Conditional use requests to allow a density in excess of 30 units per acre (52.02 du/ac proposed) and a building height to exceed 48 feet (60 feet proposed for certain buildings) for Atlantic Plaza, located between East Atlantic Avenue and NE 1st Street and NE 6th Avenue and Veterans Park.

VIII. ADJOURN

The meeting adjourned at 9:00 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 July 16, 2012 which was formally adopted and approved by the Board on September 24, 2012.

Jasmin Allen (for)

Rebecca Truxell

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.