

**MINUTES
PLANNING AND ZONING BOARD
SPECIAL MEETING
CITY OF DELRAY BEACH**

MEETING DATE: October 6, 2014

MEETING PLACE: City Commission Chambers

MEMBERS PRESENT: Jay Jacobson, Christopher Davey, Robin Bird, Mark Krall, Joseph Pike, Gerald Franciosa

MEMBERS ABSENT: None

STAFF PRESENT: Dana Little, Mark McDonnell, Anthea Gianniotis (TCRPC), Marcela Cambolor-Cutsaimanis (TCRPC), Janice Rustin Assistant City Attorney, and Diane Miller

I. CALL TO ORDER

The meeting was called to order at 6:00pm by Robin Bird, Chairman. Upon roll call it was determined that a quorum was present. There were no changes to the agenda. This was not a Quasi-Judicial meeting so the rules were not read. Ms. Miller swore in all who wished to give testimony on any agenda item.

Robin Bird, Chairman took a moment to announce the passing of one of the board members, Mr. Jerome Sanzone and there was a moment of silence in respect for our late board member.

CHANGES TO THE AGENDA

Joseph Pike – I would like to suggest that we look at the order of Items B & C. Item C is more housekeeping and it changes quite a few sections of the LDR and a large part of the re-naming of the railroad district.

Mark McDonnell – Actually Item B is a result of Item A. It is a cleanup of the result of the rewrite. All of them are related.

Dana Little – This is one large presentation, but I think it is a good idea to re-order it so that Item C goes first.

Motion made by Joseph Pike, second by Christopher Davey to amend the agenda that Item C will be heard before Item B.

All were in favor.

II. MINUTES – Motion made by Mr. Joseph Pike, seconded by Mr. Christopher Davey, and approved 6-0 to move approval of the September 15, 2014 minutes as written.

III. COMMENTS FROM THE PUBLIC (*Comments on items that are NOT on the Agenda will be taken immediately prior to Public Hearing Items.*)

Gary Wolf – 831 SE 4th Ave., Delray Beach, Florida

I have been in the neighborhood since 1992, and every meeting that I have come to has been a wash. It is a bunch of lies; you guys are a bunch of criminals. The last meeting that I came to you sent me a letter for triple landlord permit, you invited me down to the meeting to state my case, and when I get here the City Attorney and someone from the board said that you can't ask questions but they were fielding questions from everyone else. So what I want to say to the board tonight is, if you are having a vote tonight on anything on that slum/rehab campus, it is way out of control and you have no handle on this. I have (2) houses in foreclosure and \$350,000 in property tax, how does that work. Mr. Wolf continues to talk about the police department, estimated water bills and Osceola problems.

IV. Public Hearing Items

Dana Little – Director of Planning and Zoning

Let me thank you for agreeing to this special meeting, and I realize it gives you 2 meetings this month, but we do appreciate it. This is a single topic agenda, there are (3) items on the agenda and they all relate to the proposed revisions to the Central Business District/Land Development Regulations. As you are aware, in November 2013 the City of Delray Beach with the Delray Beach Community Re-development Agency entered into an agreement with the Treasure Coast Regional Planning Council to do a deep analysis of the Central Business District/Land Development Regulations, the (3) current sub districts which are the Beach, the Core and the West Atlantic as well as the Central Business District Railroad Corridor District. What you are hearing tonight is there has been extensive outreach since that time through the advisory boards, workshops with this board, a couple of months ago a commission workshop, individual meetings with board members and the commissioners. What we are hearing tonight for the first time is the official presentation in a public hearing format to the Planning and Zoning Board to hopefully gain a recommendation to the City Commission of these extensive land development regulations revisions. As you have heard we are re-ordering the agenda so Item C will be going first, which is the City-initiated rezoning of the Central Business District Railroad Corridor to CBD (Central Business District) as a sub-district Railroad Corridor. Tonight we have Anthea Gianniotis, Urban Design Director for the Treasure Coast Regional Planning Council as well as Marcela Cambor-Cutsaimanis, sub-consultant for Treasure Coast. They are going to be presenting the Land Development Regulations revisions for each of these items.

My recommendation is since the meat behind this is Item A, Repealing and Replacing elements of, and maybe we can withhold public comments till after all (3) presentations are completed. This way everyone can hear the entire presentation prior to making public comments.

Presentation

Anthea Gianniotis – Urban Design Director for Treasure Coast Regional Planning Councils
Marcela Cambor-Cutsaimanis - sub consultant for Treasure Coast

Anthea Gianniotis then presented the amendments to the Land Development Regulations through an extensive powerpoint presentation.

Public Comments

Chuck Ridley – *210 NW 2nd Avenue*

I am a representative of the West Atlantic Redevelopment Coalition. Many people from this area, over 8,000 residents, have had some time to look through this document and do not see things that would cause us concern. What causes us concern is that we are not planners, I am a community organizer and here is what gives us the most anxiety. I have been the Co-Chair of the Downtown Master Plan and we see things pretty clear and we do not want to be walled in or have tall buildings, and beautification is another concern.

Urban renewal and I say this reluctantly as my elders are here tonight, for residents that look like me, urban renewal has most often meant, “Black folk removal”. Our homes are our biggest investment, and what you see around you in this neighborhood is all we got. Most of us have lived here for generations, so if there is anything in that code that creates a situation that makes our quality of life diminish, please surface it.

Scott Porton – *Porton Companies*

I am here tonight to talk about Civic Open Space requirement. We need to have this but how it has been applied tonight is problematic. We do not want to be walled in.

Things of concern are:

- *Bonus Plan
- *Civic Open Space
- *Creating the wrong kind of space

Bob Currie – *Currie, Souard, Aguila Architects*

The code is really good in all its regards except the open space. We are developing 3 blocks on West Atlantic. In order to accommodate this with the open space requirements we could not do this project. I am all in favor of parks, we have done a few, but I think we need to have a sliding scale. We have submitted our project today, but I am asking that you revisit the park issue.

Jim Chard – *401 SE 4th Avenue*

Mr. Chard presented a powerpoint presentation with handouts to the board members.

Beril Kruger – *9 NE 16th Street*

What I would like to find out where exactly is the area that the density and height bonus, mainly the height is located. Mainly the east side of the railroad tracks.

Bob Ganger – *Chairman of the Florida Coalition for Preservation*

I am here to take a victory lap to stop conditional use and it looks like it is on the way out. It might be a name change, but it is changing. Congratulations to the Treasure Coast

Regional Planning Council and staff for all the work that has been done on this project. An incredible job and a couple of things that come to mind and one is an observation that I have. One observation I have is that Atlantic Crossings could not be built as it is currently site plan approved because the grid was broken down. Another observation is the Tri-Rail Connection shows no parking.

Arlen Dominck – *50 E. Road*

Thank you to the board for all that you do for us and I agree that parking is important. I thank Treasure Coast Regional Council for all your hard work and I agree with a lot of what was presented, but even residential property needs higher ceilings. I know that there was talk about the cost of some buildings, but we need to have more green buildings to have these buildings last longer.

Carol Anderson – *1441 E. Bexley Park Drive*

I am speaking on behalf of SAFE, and there is so much to like with these revisions. It has been our dream to incorporate better sidewalks and more bicycle facilities and decongest and make it people friendly. In addition to that what we would like to see is to set up a means to encourage transportation demands and encourage businesses to have their employees to take alternative means to work instead of driving.

Cindy Freeburn – *371 E. Mallory Circle*

Thank you to the Treasure Coast Regional Planning Council for their presentation and to have it put in lay terms so we can understand. I would like to promote the electric vehicles for the people that can't or should not be walking so far.

Bruce Bastian – *Chairman of Human Powered Delray*

I want to say that I support the revisions that the team has put together. We have spent a lot of time reading the report and we had (2) public forums to get input. We have about 200 signatures in support of the recommendations, 135 online, and the rest of them on hard copy.

Andy Katz – *220 S. Ocean Blvd.*

Thank you to Treasure Coast Regional Planning Council and Dana Little for a great job. I have (3) comments:

*Beach area is enforcing the retail only. We have a problem in the beach area as we have no other location for business except Atlantic Avenue. As residences we don't want to be just a tourist area. Residences need a normal variety of business.

*Traffic circulation in areas where the grid does not occur. Please keep in mind that on the beach side we have no grid whatsoever.

*There are low areas in town, mostly in the intercostal base. We need to look at some of this planning which will guide the buildings for the upcoming years.

Jim Knight – *10 SE 1st Avenue*

Thank you for all that worked on this project...they are the experts. I think they missed some things in regards to the parking. We are looking for more open space, and that open space should be calculated on the gross square footage because you have sites that have

property dedications. When you look at the June 14 LDR rights, they were talking about the parking and it relates to office space, retail and residential units. They had a lighter parking requirement for the residential units and I think it is important to look back at that because right now we have (2) parking garages; Federspiel and Old School Square and neither one of them is full. I think to get those better green open spaces you need to reduce the parking.

Jan Murphy – *Artist Alley – 333 NE 3rd Avenue*

I am here because I am concerned about Artist Alley, and I am glad to hear that it will not change anything for us. I am also happy to hear about the bikes, open space and the development. In your future planning, please keep the artist in mind and a place to work.

Kevin Kevros Rowes – *166 SE 2nd Ave.*

I like a lot of the changes, and I noticed in my area was RC and is now CBD. I am a little concerned about the impact for the future developers in my area and asking that anyone on the railroad track have some leniency and maybe some extra advantages for the developers.

Gary Wolf – *831 SE 4th Avenue*

I would like to comment on SE 4th Avenue and that the other (3) houses south of them; 407, 415 & 419 SE 4th are all drug rehab. Too many of these facilities.

Jackie Sullivan – *1002 Lake Shore Drive, 166 SE 2nd Avenue (Did not sign in)*

I really don't understand all that is being presented tonight. I would have to read the 100 page document that you all have. I hope you are not punishing the few property owners that are really left because of the missing road with regard to Atlantic Crossing. Because I don't understand I think a letter should be sent out to the small business owners that own land. I am looking for the live/work criteria that I don't see because I think a lot of us are looking to living and working in the same area.

Jason Bregman – *227 Lake Terrace*

I have served the last 2 years on the SPRAB board, so I have seen a lot of these projects come through. There is a lot of good and bad about this project and a lot of which we on the SPRAB board at the time and we don't have a lot of say over these projects. People would come in and talk about height, density and traffic and none of these things we could help them with. I have a few suggestions that I would like to talk about:

*On the sidewalk diagram, it shows A,B & C and we have been trying to push for 'B' to be 10' wide in the Central Business District.

*Another thing that is being recommended now is 54' tall building from the 48'. People should really know that it does not include the parapet or pitch roof. I am not sure that people really understand that.

*Regarding green development, there is some vague language in there and we really need to be strict. You cannot get LEED certification until after the building has been pretty much completed.

*There is also a part in there about storm water management. The way I read that is if someone builds a retention pond and hooks it up to their irrigation, the way it is currently written, that would qualify. Right now it just says reuse of the water.

Steve Blackwood – *Artists Alley*

When I first saw the yellow signs, my first concern was that developers would come into the City, buy space and put in more residences. A big part of the City is a cultural art center in Palm Beach. We have grown to (38) artist and we are largest community of artist. In that area we are light commercial, will it ever change to become residential as well I don't know.

Joann Peart – *107 NW 9th Street*

I am speaking as a resident and an owner of a small piece of property in that railroad corridor. I like some of the things tonight, I like the setbacks, but people do not know about all this in the neighborhood and all I hear is height and density. I am not in favor of the 54' at all. I think that is a conditional use by another name.

Brent Talbot – *515 N.W 12th Street (Did not sign in)*

I planned on speaking in opposition to the options and reading through the package it seems to me that it was Pandora's Box that would allow the developers to give something to get more. I applaud Treasure Coast, I was very impressed with the presentation about their approach and their thought and they have brought a lot of things to the table. The 54' height I am skeptical about in spite of the options plan. We need not give the developers options to build. If they want to build here then here are the rules.

Michele Palenscar – *345 NE 3rd Avenue*

This is one of the buildings that holds (3) artist. What I would like to know if why the railroad was pulled into the district.

Rebuttal

Anthea Gianniotis said that she would answer the questions.

The first person was from WARC and we have had a lot of conversation with them. His concerns were being walled off and things that would impact the quality of life. I will answer what I told WARC at their meeting, that this will slightly increase the rear and side setbacks when you are adjacent to residential, so it is stepping back a little.

Mr. Porton raised some concerns that the requirement for open space was problematic, and that it needed to be vital spaces. This is not a tool to replace your parks plan.

In terms of height waivers, for the footage, we are recommending the 54' and whether that is because you are on the beach and have to go 3' higher or some other rules. There will be ample room if that is to go up, and I don't think there is a necessary to allow any waivers for height.

Mr. Chard raised a number of issues from his presentation, many from Human Powered Delray. We did have some concerns about one thing in particular. We are very supported of the mission; we are very supported that all rights of ways need to accommodate multi mobility.

In regards to your allies and all of your redevelopment plans recognize this is work horses in this CBD. This is where the trash is picked up, deliveries are made and if you go behind the best block off of Atlantic Avenue, there is parking feeding off of these areas.

There was another gentleman that wanted to know exactly where the height and density was in plan. Here is the fundamental problem with this. Where you can ask for more height is not always where you can ask for more density. It is tricky and not easy to understand.

Ms. Gianniotos proceeded to give more information on this topic.

Mr. Dominic was speaking that parking is important and whether or not building green. I have to say that the building that you build that last 100 years is the greenest building.

TCEA, what this plan does is you have to study how traffic was going to be disbursed. You have a TCEA, you have a threshold that you have to report to the county. These are not about maintaining your TCEA, these requirements are about the individual project that comes in that is going to impact.

SAFE has raised the issue of transportation demand management, and initiatives in the code.

Responding to Andy Katz in regards to retail requirement being an issue for the beach, right now the required retail frontage with certain streets like Atlantic Avenue, where you don't want someone's townhouse on this street. It is not appropriate for the City, and that is where shops, restaurants and hotels go.

Mr. Knight raised some points about parking. There was a series of lectures that happened in the City; Dr. Shoup was brought in to talk about the high cost of free parking.

BOARD DISCUSSION

Joseph Pike – Page 71, Building Height #2, 'Stories located below grade, not counted for the purpose of measuring building height'. I don't know if we want to promote subgrade parking.

Anthea Gianniotos – I think we could tighten that up and to be fairly safe to say that parking that needs to be below grade if someone wanted to take that project on.

Joseph Pike – On page 102 (E), Increased Height and Density will only be approved after determination that the whole project is compatible.

Gerald Franciosa – I believe that we have been asked to make a decision on the bonus program and height and density. I have been on this board for 3 years and most of the complaints have been on height and density and I believe that we have brought in Treasure Coast to do this. Actually you have raised the height, kept the density the same, so I am not sure what we have accomplished.

Anthea Gianniotis – She went into a discussion on the 4 floors and 54', and that you will get a better building out of this.

Gerald Franciosa – I would think if I was a developer and put up 4 stories would it be cost effective to put in the 5th story just to go to the bonus program and 10% civic space?

Robin Bird – I had that same conversation and once you get past the 3rd story you are automatically in the elevator. With this you have additional space, you have to have the expense of the elevator and you are in a different kind of construction, so now you are spending more money per square foot, so you would go 5 stories.

Christopher Davey – After listening to a lot of the speakers tonight one thing that concerned me did any of the planners look at how many sites are over 40,000 sq. ft. currently, under developed or developed within the CBD that are eligible for this bonus plan?

Anthea Gianniotis – We did, we actually divided up some different parcels and tried to check to see what they yield.

Christopher Davey – Another person that spoke tonight brought up the subject that you don't want to penalize people with the open space and create two tiers where you are creating one type of lot is worth more per land square footage, because then you are creating a situation where there is an incentive to aggregate these properties or sub-divide.

Another thing that I do agree on is what is put forth as far as the adaptive re-use. I have been in favor of keeping heights lower in the City, I think going to 54' and a 4/story building is going to benefit the City long term. That being said I am not in favor of 5/stories and 64'.

One thing that we talked about in our private discussion, is taking into effect if someone wanted to raise their building a little bit because of sea level rise, I think that is something the City should grant to them.

Also, if a property now zoned OSSHAD was rezoned out of OSSHAD, it would not be eligible for the bonus program but would be able to go to 54' if adopted?

Anthea Gianniotis – Yes, you are correct.

Mark Krall – So what is being said here is that this could be re-worked on a sliding scale for civic open space? It is not hard and fast on 40,000 sq.ft.

Anthea Gianniotis – Right, it is not hard and fast, but in order to move this forward that discussion needs to happen with the City Commission Workshop.

Mark Krall – I like the changes in the setbacks; I like the setbacks after 2/story, streetscape, so are you looking for direction as to the number of stories allowed? Also, on page 108, you address streets and alleys and one section acknowledges the sacred nature of alleyways and how they should not be vacated. But then there seems to be a loophole by way of if a development proposes to move an alley, then there will be a requirement of a traffic study.

Anthea Gianniotis – A couple of things come into play here, and there are a few things that can or have happened, but really we are trying to not abandon the alleys.

Robin Bird – So currently we allow the 5/stories in a conditional use process only. So is this automatic providing you meet all the bonus provisions or does it still need to be granted by the Commission?

Anthea Gianniotis – Yes, it still needs to be granted by the Commission.

Jay Jacobson – I have no issues on height or density, I am big on more design to an urban core which we are talking about. My biggest direction is to look at what the open space requirement is going to do. Also, wanted to make sure that the legal staff has taken a look at this that we are proposing.

I am also happy to see that the rules are being made clearer and laid out better than they have in the past. In the past it has been development by negotiation through a very political process.

We also need to look at the LEED requirements and to be clear; LEED is not any type of governmental agency or authority. It is a private company that issues these certifications and you have to pay for them. Some other green agencies are the Green Building Coalition, National Green Building Council, Energy Star Program and more.

Another is retaining the work force housing requirements, well intentioned, but it is not delivered one unit of workforce housing in Delray Beach since that ordinance went into effect.

Also, some of the other members talked about a few things and wanted to know if there are business use restrictions in the beach area

Anthea Gianniotis – The difference is that for the properties that face Atlantic Avenue, there is a use restriction in that it has to be retail, restaurant, hotel lobbies on the first floor. The upper levels remain completely flexible.

Jay Jacobson – Another thing I wanted to speak about is traffic demand plan which is always a good thing, but whether people use them, as we know mass transit in South Florida is poor to non-existent. This I feel is a big issue.

Also, we are always talking about traffic, traffic, traffic. I live close by to downtown and I find Delray Beach to be the most walkable city I have ever lived in.

Another thing, the HPB and SAFE people are always talking about examples in other cities about pedestrian mobility-bike mobility. I think closing an alley to what alleys are meant

to serve in the downtown district would be the biggest mistake you would every make in the CBD plan. The alleys are there for a reason and they should never go away. One more thing, there is a lot of power being moved over to the SPRAB board. My concern is the requirements of people sitting on the SPRAB board. I have had personal contact with members of the board and they could not look at a site plan and tell you what is on it. For some projects its ok, but for a major project that wants to push into the City like Atlantic Crossings to IPIX, it takes a different kind of board member.

Robin Bird – It is one thing to change the awnings, or change the belly railings, but when you are giving it away or promoting density, I don't think it should be at an appearance committee.

Joseph Pike – I did not speak on height and density but I don't get too hung up on height. I agree that 6' of differential is not that great when you are already 48' up in the air. But I am struggling with the 4-5 stories and more so what it means to go to the 5/story means to the density of it all.

Christopher Davey – 15 years ago there was a need to encourage development and give them the 5th floor incentive for market rate housing, but I think we are well past that point in the CBD.

Robin Bird – On page 77, where you have the 10' connectors between the front and the back for the alley when you have a building over 200'. I have a concern there you would create something that is unsafe.

On page 71, where you have 5' there before you come to that story, so you want to make it 3' and if it is not habitable, how would they meet those densities if they are not building below?

Anthea Gianniotis – I think we should clarify that the intention was for parking.

Robin Bird – Page 82, you talk about your canopy trees for your street trees, I think you can cut the sentence short to 'canopy trees minimum of 14' height with a clear trunk with a space of 6'. And then it should be stated that they should be Florida grade #1 or better.

Jay Jacobson – What is the process moving forward. What happens to this now?

Anthea Gianniotis – What is required now is that we go to a first reading at City Commission and then it could go to second reading and it could be adopted that quick. I think because some of these major policies decision like the carrot and the stick and the 5th/story, they really need to be discussed with the City elected leadership. And that step will be another Commission Workshop before it moves to City Commission formally for first or second reading.

Robin Bird – So what we are requesting here is to move forward with changes to be made or is questions here to resolve them, or we don't know what is going to happen?

Dane Little – Yes, the public workshop will be the next City Workshop which is October 14, 2014. Now let's say that we get favorable recommendations from this board with conditions, we would make sure whatever those conditions or concerns are we would make paramount to the City Commission at the Workshop.

Robin Bird – When was zoning in progress established?

Janice Rustin – We have an ordinance drafted that is going before the commission tomorrow which will designate the recommendation today assuming the Planning and Zoning makes a recommendation to move forward. The zoning process will move forward from that recommendation. It is our understanding you will make a recommendation; tomorrow the commission will pass the ordinance of the zoning in progress making TODAY the point at which the City will defer any new applications until after the LDR are inactive.

Also to address Jim Knight's concern, legally the City under established Florida law that the community has been under notice that the City has been moving forward with the LDR amendments. We could go back months with the Zoning in Progress but we need a starting point.

Robin Bird – (The question was addressed to Anthea Gianniotas) could you tell me what was the time frame for Treasure Coast Regional Planning Council.

Anthea Gianniotas – When we were brought on we were put on a very aggressive time table to accomplish this.

Gerald Franciosa – I still have concerns about this program. You have spoken to 40 individuals, had public meetings but still have a lot of people here tonight with concerns. I am against moving it forward to the City Commission based on you (Anthea Gianniotas) saying this is what Planning and Zoning would like to see. I thought this was brought to us before and I don't think that we made a lot of recommendations and we just listened to what you had to say.

Dana Little – To be clear, the only conditional use that is going way is the condition use for height and density increases.

Gerald Franciosa – In the past we have been doing a lot of conditional uses, and people did not want it and that is why we are doing these LDRs. We were given density of 50-60 units per ac and going up 60' and people were not happy about it. Now give us something with a 5/story with a bonus program and go to 64'. I don't understand.

Christopher Davey – I believe what you are looking for is a recommendation to the City Commission on how to look at this and basically concerns for them to examine in detail moving forward.

Janice Rustin – You can do each condition as a separate motion.

Motion was made by Mr. Christopher Davey and seconded by Mr. Mark Krall to move a recommendation that the LDR plan be amended to cap the number of stories at 4/stories within the CBD.

WITH DISCUSSION

Robin Bird asked if there were any conditions on this motion.

Janice Rustin said that no conditions on this particular one. She asked Mr. Davey if he wanted to amend his motion or add any conditions to the 4/story maximum in your motion.

Joseph Pike – My thought is that right now I cannot support the 5th story but I may well be able to if I had more information that shows different mix downtown. The 5th story needs more density, more residential units.

Christopher Davey – I don't think this a binding thing, we are just saying to the City Commission, take a look at this more.

Joseph Pike – If it was up to me I would not necessarily support a strict limitation of 4 stories.

Robin Bird – I see where this is going and I feel like I am passing the buck to the City Commission.

Gerald Franciosa – And the answer would be to postpone until we have more information.

Robin Bird – That is what we can do, but do we want to set another meeting to get our answers, and then sit through another set of public comments but on the other hand there is a lot of things in the minutes, so do we want to set a date certain.

Janice Rustin – I think it would be helpful for the City Commission to have some of your recommendations before their workshop meeting next Tuesday.

Robin Bird – Is this already scheduled for the workshop?

Janice Rustin – She said that yes it is.

Gerald Franciosa – Right now you have a motion and a second.

Joseph Pike – I think we should move a recommendation forward tonight if we can. My point is that in doing so to the Commission, and if no one else agrees that is fine, I think the 5th story could be an incentive.

Christopher Davey – From what our Planning and Zoning Director has told us, the City Commission is going to have a workshop, and it will be on 1st reading and 2nd reading. So

they will have the time to definitely exam this further in more detail than we are, but what we are basically doing is highlighting our concerns and our recommendation moving forward.

Gerald Franciosa – The DDA, what are they doing?

Mark Krall – They approved the whole thing.

Anthea Gianniotis – Yes, the DDA did 4 findings of consensus.

Dana Little – Yes, the Pineapple Grove, Arts District, and 2 of the vote members abstained from that vote cause they were concerned about the 54’.

Christopher Davey – This was for the 54’ not the 64’?

Jay Jacobson – Can we move this forward and then some sort of motion or amendment that directs Anthea to address our concerns at the workshop and so the Commission understands that we want to keep this ball rolling and a lot of time, money, public input was taken and we don’t want to stand in the way of the process, but we have some concerns. If we try to come up with all these individual motions, we really are not going to please them anyways.

Christopher Davey – The only thing that it is really doing is to let them know on certain different points that we discussed them and they are not going to next Tuesday night or in a week or two have the minutes of this meeting.

Robin Bird – So we need to do something and be very concise about it or try and bring it back. But at this point it has been over 4 hours and I don’t think we need to do that. I think if we have clarification on that and you want to read anything back to us we can make a motion as of the results for what you have to work on to move forward. I think that would be more efficient.

Anthea Gianniotis – If I may try to help. The Assistant Attorney had a good thought, which was the DDA, they took a couple of points one by one to make sure, and one was that everyone was comfortable with 4 stories and 54’. The DDA unanimously approved that, and they did 5 stores and 64’ as well. Now it has been brought up a lot, that height and density is an issue.

Robin Bird – Now let’s go with that right now. I have a motion, we have a second and we are under discussion. Do we want to amend that to restate what the DDA has done, 4 stories and 54’.

1Amended Motion was made by Christopher Davey, seconded by Mark Krall, move to recommend the LDR with a cap of 4 stories and a height of 54’.

Motion Failed 3-3 (Dissenting Jay Jacobson, Gerald Franciosa, Robin Bird)

Robin Bird – This motion is saying that we are moving forward. Are we increasing height, I understood that we are going no higher than 4 stories.

Joseph Pike – It was my understanding that we are supportive of that and we were separately going to review, cause the DDA took it as two different items.

Anthea Gianniotis – That would be more clear. If we established the base building height of 4 stories. I think the motion was to CAP and I think that was the difference.

Robin Bird – With that being understood, this is a base to establish 4 stories at 54', not a cap.

2Motion to Approve was made by Christopher Davey, seconded by Mark Krall, move to recommend the LDR with a cap of 4 stories and a height of 54'.

Motion Fails 2-4 (Dissenting Jay Jacobson, Joseph Pike, Gerald Franciosa, and Robin Bird)

Joseph Pike – So what do you say to another motion for 4 feet and 54 feet as a base?

Robin Bird – That would be the next logical motion.

Christopher Davey – Here is the next question that I have on that motion. Are you saying it as a base or are you saying every building have to be a minimum of that amount?

Anthea Gianniotis – Without the bonus program building height will be limited to 4 stories and 54 feet. Right now it is just 48'. So let's at least put the 4 stores in there.

Robin Bird – There still may or may not be bonuses after that.

Christopher Davey – And you are still allowing the additional 6 feet?

3Motion made by Christopher Davey, seconded by Mark Krall to move to recommend the LDRs with a base of 4 stories and a height of 54'.

Motion carried 4-2 (Dissenting Gerald Franciosa and Christopher Davey)

Robin Bird – The next thing that we are going to talk about is the 5th story inclusive thru the Bonus Provision Process. I think we had a lot of discussion and reworking that and if you can help us with this.

Anthea Gianniotis suggested the following motion:

Motion to allow the 5th floor bonus on the condition that we establish a graduated open space requirement. You are supported of a 5th story with a maximum height of 64 feet being offered as part of a bonus program.

Robin Bird – Does anyone want to consider this and put a motion on the floor even for discussion?

Mark Krall – I will make the motion.

Robin Bird – The motion was made, do I have a second?

Jay Jacobson – I will make a second.

Robin Bird – So we are in board discussion. This is consideration of allowing the 5th floor thru the bonus provision as provided in the ordinance. Now we can go back and we can suggest provisions in this that if it was to move forward, and do we want to be clear on this motion. We could add that all the conditions that we have talked about and the graduated open space be revisited.

Anthea Gianniotis – We could say, ‘with a graduated open space requirement’, and the other requirements that were there and also one issued was raised about public parking, that it not be charged for. Also, the green building standard that would allow green or LEED.

Janice Rustin – Maybe if you have to vote on the five stories and then it doesn’t pass, your next motion is if the 5 story is considered to go forward with the following recommendations.

Robin Bird – Anymore discussion on the motion?

4Motion made by Mark Krall, seconded by Jay Jacobson move to recommend the LDRs with a bonus program to allow 5th floor, and maximum height of 64’.
Motion failed 0-6

Robin Bird – We need to call for a motion on the 5th floor.

Gerald Franciosa – Well we just killed the 5th floor so there is no bonus program.

Joseph Pike – Now we are saying if the Commission would consider going forward even if they don’t take a recommendation and we intentionally limited that motion.

Robin Bird – The purpose of that motion was to put it on, if we wanted to go forward as it was without any conditions. We were looking to make a motion with conditions for consideration and give direction to staff to rework it based on the public comment and the notes taken here tonight which included where and the size and the graduated so it doesn’t favor the lot size and how it can be used.

5Motion made by Mark Krall, seconded by Jay Jacobson to recommend approval of LDRs with a bonus program to allow 5 stories with conditions of consideration including incorporating a graduated amount of open space, reconsidering the use, supportive of the concept of green building techniques but needs to be refined, and the type of space needs to be refined as well and how you are getting it.

Motion Carried 4-2 (Dissenting Gerald Franciosa, Christopher Davey)

6Motion made by Joseph Pike, seconded by Gerald Franciosa to the Commission that if they consider the 5th floor bonus it be done with the condition that a graduated performance scale be put in place to determine different levels of density.

Board Discussion

Joseph Pike – If there is a way to do this, maybe workforce is not just a pay in program, and maybe there are different levels of performance to show an excellent project that would account for higher density.

Christopher Davey – What we are not looking at it as if someone is going to do the 5th story and it has nothing to do with residential density they are doing office space, it is going to be a 5 story office building.

Joseph Pike – Are there any places where we are talking about where the density is not mixed use?

Anthea Gianniotis – I think that not every single project is vertically integrated. If you are on the required retail streets then you definitely have a use described at the ground floor.

Christopher Davey – And everything above can be office.

Anthea Gianniotis – You tend to get mixed use, in general that is what you get.

Joseph Pike – In that case Chris, maybe a density aspect would not apply, so now we have separated out the motion. We are really talking about residential density, and somehow to differentiate between 40' and 50'.

Christopher Davey – Now if someone gets the 5th story and they have 3 units and the 1st floor is retail, 2 floors of office, and then 2 floors of residential the density can still be well under.

Joseph Pike – I think the problem that I have always felt is why does one applicant get 60' another get 40' and it seems that it is just all across the board?

Robin Bird – Are you providing public parking and how much, and what is the gift, and it has to be defined based on the gift?

MOTION CARRIED 4-2 (Dissenting Gerald Franciosa and Christopher Davey)

Christopher Davey – One other one that I would like to put out there regarding potentially someone wants to build a building to make it more resilient and build it a little

bit higher because of sea level rising, would the City Commission be more inclined to give them a height waiver because they will be building a little bit higher.

Anthea Gianniotis – What had come up with that from a couple of people on the board was whether we make a notation of where height should be measured, so it is not necessarily the road grade while you are on the beach and FEMA tells you that you have to put it up 3'. I can definitely take that detail forward if you are all in agreement.

Christopher Davey – If somebody is going to build it and they are going to measure from the flood line but the building is going to have to go up 30", I think we should be willing to give them some leeway.

Joseph Pike – That is what we should do, and that is why Seagate is elevated.

Robin Bird - I don't know, cause if you are telling them if they want to go above the flood plain and then everyone is concerned then you have parking underneath.

Christopher Davey – Flood maps just came out for Palm Beach County.

Robin Bird – So if you are tying into the required finished floor with the elevation of the flood maps I am ok with that. The discussion earlier was if someone wanted to build 3 additional feet above the flood plain that is what was being discussed.

Christopher Davey – What I was talking about is if the finished first floor was going to be at the flood plain, we should start measuring the height of the building at the flood elevation.

Anthea Gianniotis – I can make that adjustment.

Robin Bird – Some other things that we had on individual pages how do we want to handle that? Can you take that forward and run with it?

Anthea Gianniotis – I think I can take that forward, I would also tell you that if someone that was here that maybe went home, but caught something that we need to address, we certainly are not going to ignore them. I think what we can do is present the Commission with the strike through and underline version starting as if the one that was on the 10th was a clean copy.

Also, Mr. Davey you understand the concept of the RC moving as a sub-district of the CBD?

Janice Rustin – So we are moving approval of A, B & C?

Dana Little – It should be C, A & B.

7Motion Move to approve recommendation by Christopher Davey, seconded by Gerald Franciosa to the City Commission Agenda Item 4C consideration of City

Initiated Rezoning to place land presently zoned CBD-RC (Central Business District – Railroad Corridor) into the CBD (Central Business District). Said land including two groups of lots along the Florida east coast railway, one group located between N.E. 2nd and N.E. 4th Streets and the other group located between S.E. 2nd and S.E. 6th Streets.

MOTION CARRIED 6-0

8Motion made by Christopher Davey, second Gerald Franciosa to the City Commission Agenda Item 4A consideration of a city-initiated amendment to the land development regulations (LDR), by repealing and replacing Section 4.4.13 “Central Business District (CBD)” with new zoning regulations.

MOTION CARRIED 6-0

9Motion made by Christopher Davey, second Gerald Franciosa to the City Commission Agenda Item 4B consideration of a city-initiated amendment to the land development regulations (LDR), by repealing and replacing Section 4.4.13 “Central Business District (CBD)” with new zoning regulations.

MOTION CARRIED 6-0

VI. REPORTS AND COMMENTS

A. Staff

Dana Little – Thank you for taking time out of your schedule to have this special meeting. There will be a City Commission Workshop on October 14 where this item will be heard.

- **Board Comments**

Robin Bird – Please add to agenda “Swearing In of the Public”. Also “Comments from the Public” please add that the comments will be limited to 3 minutes.

ADJOURNED

There being no further business to come before the Board, the meeting was adjourned at **10:15p.m.**

Minutes of the October 6, 2014 Planning and Zoning Special Meeting

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 **October 6, 2014** which were formally adopted and approved by the Board on **December 15, 2015**.

Diane Miller

Diane Miller

If the Minutes 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.

(These notes are abbreviated version of this meeting. The full dialog is available in audio at City Hall for anyone that would like the full information)