

MINUTES OF THE PLANNING AND ZONING BOARD
PUBLIC HEARING/REGULAR MEETING

CITY OF DELRAY BEACH
DELRAY BEACH, FLORIDA

MEETING DATE: May 16, 2011

LOCATION: CITY COMMISSION CHAMBERS

MEMBERS PRESENT: Mark Krall, Cary Glickstein, Clifford Durden, Craig Spodak, and Connor Lynch

MEMBERS ABSENT: John Miller and Al Jacquet

STAFF PRESENT: Mark McDonnell, Terrill Pyburn, and Denise Valek

I. CALL TO ORDER:

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

II. MINUTES

Motion made by Mr. Krall, seconded by Mr. Durden, and approved 5 to 0 (Mr. Miller and Mr. Jacquet absent) to approve the minutes of April 25, 2011 as written.

III. COMMENTS FROM THE PUBLIC:

IV. PUBLIC HEARING ITEMS

- A. Conditional use request to allow the establishment of an automobile repair shop with detailing services for Motion Auto Care, to occupy a tenant bay within a multi-tenant industrial building, located at 1208 Georgia Street. Quasi Judicial Hearing

Ex-Parte Communication: None

Comments from the Public: None

Mr. McDonnell entered project file no. 2011-101-USE into the record.

The development proposal is not located within a geographical area requiring review by the CRA (Community Redevelopment Agency) or the DDA (Downtown Development Authority).

Public Notice:

Formal public notice has been provided to property owners within a 500-foot radius of the subject property.

Courtesy Notice:

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

- Neighborhood Advisory Council
- Progressive Residents of Delray (PROD)

Applicant:

Mr. Shane Johnson, 8480 Winnepesaukee Way, Lake Worth, advised that Mr. McDonnell mentioned there will be a redevelopment plan on Wallace Drive. We are part of the solution of that plan. Mr. Johnson advised his father, Maxim Johnson, will be working there and there will not be a lot of traffic. It was a dream of my father to have a business in Delray Beach. I am a graduate of NOVA and Emory University in Atlanta, Georgia. Top quality is what my father produced and hopes to continue to produce in Delray Beach. It will be a one to two man operation from 9:00 a.m. to 5:00 p.m. It is a 1,200 sq. ft. facility with twelve surplus parking spaces in the lot. This would not have a negative impact on the development plan. There is a NAPA heavy commercial truck facility there. I believe we would rub off on all our playmates. We are giving back to the community. This will not only enhance Delray Beach but the entire project.

Ms. Sonia Johnson advised she does not know how she got involved in this process. I am a history teacher, and I know the history of Delray Beach. After going through the process my husband, Maxim, lost his job. Because of their expertise not only with Saturn, it starts with one person a dream and you go after it. When we started they told us that there were spaces and we had a problem with parking spaces. We are going to try our best to service the people of Delray Beach. There will be two men working at the facility. We are trying to build the community up. When he gets further with the business it will create jobs in the neighborhood. Usually big business wins but not all the time. We can make a difference in Delray Beach. Before I taught I was a stock broker at Merrill Lynch. How is it that NAPA is in the same area? Max Marble is not in compliance. Everyone in that area is not in compliance, and they received approval from the City. We are being penalized because we are doing the right thing. Our founding fathers said that you have a right to everything that is out there for you. We are trying to do the right thing and we are going by the book.

Mr. Shane Johnson advised he failed to mention we could have selected any city in the South Florida area from Palm Beach to Boca Raton. This is a perfect opportunity to have a dream and make a difference in the community. It starts with one person. We began this process in August or September. We submitted our documentation to the State and it was approved. Then we went to the City and here we are. We have everything in order. This is just a speed pump in the road. We are looking forward in the coming weeks for the City to embrace us.

Mr. Durden inquired where his parents lived. Mr. Shane Johnson advised they live in Lake Worth.

Public Comments:

Mr. Cleotilde Salas, 1302 Poinsettia Drive, advised he is north from George Street. I hope that my property would not lose value. I live next to Orkin. All of the businesses there became commercial. I have lived there since 1962.

Mr. McDonnell advised this is an existing building. There are existing issues. As far as being detrimental to property values, the current code violations would be more of an

impact on property values than allowing this use. It is the use and the requirements we have when considering this proposal. We are obligated to make a recommendation of denial because of the recommendations that are in the redevelopment plan.

Mr. Shane Johnson thanked Mr. McDonnell for the clarification. We were told there was not enough parking. We are glad to hear it was a recommendation that was made.

Ms. Johnson advised in the letter it clearly stated parking spaces but nothing about the redevelopment plan.

Board Discussion

Mr. Durden inquired how many units have been granted in that area since 2004 when the plan was approved. Mr. McDonnell advised he did not have that information. Mr. Durden inquired if it was OK except for the long term plan. What would be the ramifications if this project is denied? Mr. McDonnell advised it would impact the conversion of this use. When you look at all the other conversions it would be miniscule. The building is already there and the use is established.

Mr. McDonnell advised we are not penalizing this applicant. There are other problems associated with the property. The conversion of Bay C will have minimal impact. The long term plan is to not approve these conversions.

Mr. Durden inquired why Code Enforcement hasn't handled the issues. That area needs to be cleaned up. There needs to be a general plan to deal with that area as a whole.

Mr. McDonnell advised the code issue was raised.

Mr. Durden inquired how was it allowed to get that way in the first place. Mr. McDonnell advised when it was annexed into the City. When this applicant came in we went and looked at the property. The boat business was there and they never got a business tax receipt. Mr. Durden advised code should have dealt with the situation. This business should not be penalized. Mr. McDonnell advised they are not being penalized because of this issue.

Mr. Lynch advised there are two different issues. When the applicant came forward they saw there was a problem with the other tenants. The reason the City is taking this approach is that there is a plan to make Wallace better than it is now to include automotive repair. That does not mean we cannot approve it tonight.

Mr. Glickstein advised this has such a minimal impact to the area and it will not impact the long range plan. It is an empty space.

Mr. Lynch inquired if there would be any painting on the site. Mr. Shane Johnson advised there will not be any body work done on the site.

Motion:

Motion made by Mr. Durden, seconded by Mr. Glickstein, and approved 5 to 0 (Mr. Miller and Mr. Jacquet absent) to move a recommendation of approval to the City Commission for the conditional use request to establish an automobile body and repair shop for Motion Auto Care, 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 failure to make positive finding with respect to LDR Section 2.4.5(E)(5) and Chapter 3 of the Land Development Regulations.

V. REPORTS AND COMMENTS:

A. Board Members

- Parking Management Advisory Board (PMAB) – No report

B. Staff

Meeting Dates for June

City Commission Meetings

Tuesday, June 7, 2011, City Commission Regular Meeting, 6:00 p.m., City Commission Chambers

Tuesday, June 21, 2011, City Commission Regular Meeting, 6:00 p.m., City Commission Chambers

Planning and Zoning Board Meeting

Monday, June 20, 2011, Planning and Zoning Board Regular Meeting, 6:00 p.m., City Commission Chambers:

1. Conditional use request to allow the sale of segway units and merchandize and the provision of historical and landmark guided tours via segway personal transport units for Segway Tours of Delray Beach, located at 162 NE 2nd Avenue.
2. Conditional use request to allow the establishment of the Milagro Center, a not-for-profit child care facility to operate within a part of the 7,500 sq. ft. recreation center at Village at Delray, located at 695 Auburn Avenue.
3. Conditional use request to allow the conversion of a residential use to a church and the construction of an off-site parking lot for Eglise De Dieu Primitive De La Nouvelle Jerusalem Church, located on the south side of Martin Luther King Jr. Drive, west of NW 6th Avenue.
4. Amendment to the Land Development Regulations to establish parking requirement for “call center” offices.
5. Amendment to the Land Development Regulations pertaining to increases in development application fees.
6. Amendment to the Land Development Regulations modifying the Parking Regulations pursuant to the recommendations of the Parking Management Plan.
7. Initiation of Comprehensive Plan Amendment 2011-1, including the following FLUM amendment:
 - Lago Vista, located at the southeast corner of Linton Boulevard and Simms Road

C. Board Members

VII. ADJOURN

The meeting adjourned at 7:00 p.m.

The undersigned is the Secretary of the Planning and Zoning Board and the information provided herein is the Minutes of the meeting of said body for May 16, 2011 which was formally adopted and approved by the Board on June 20, 2011.

Denise A. Valek

Denise A. Valek, Executive Assistant

If the Minutes that you have received are not completed as indicated above, then this means that these are not the official Minutes. They will become so after review and approval, which may involve some changes.