

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

CITY OF DELRAY BEACH  
DELRAY BEACH, FLORIDA

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MEETING DATE: July 18, 2011

LOCATION: CITY COMMISSION CHAMBERS

MEMBERS PRESENT: John Miller, Connor Lynch, Craig Spodak, Clifford Durden, and Al Jacquet

MEMBERS ABSENT: Mark Krall, Cary Glickstein

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

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I. CALL TO ORDER:

The meeting was called to order by Chairman Miller at 6:05 p.m. Upon roll call it was determined that a quorum was present.

II. MINUTES: None

III. COMMENTS FROM THE PUBLIC: None

IV. PUBLIC HEARING ITEMS

- A. Conditional use request to allow the sale of Segway units and merchandise and the provision of historical and landmark guided tours via Segway personal transport units along specific designated routes for "Segway Tours of Delray Beach" located at 162 NE 2<sup>nd</sup> Avenue. Continued from June 20, 2011 Quasi-Judicial Hearing

Ex-parte Communications: None

Mr. McDonnell entered project file no. 2011-127 into the record.

The project consists of the south 1/3 of Lot 10 and all of Lot 11 of the Town of Delray subdivision and is 0.32 acres in area. The property contains a 5,999 square foot plaza and 1 residential dwelling unit that were built in 1948.

At its meeting of April 4, 2011, the City Commission approved a Land Development Regulation text amendment to include Segway Tours and Segway Sales as a conditional use in the CBD zoning district. This amendment also included special regulations that address the operation of these businesses.

A new conditional use application has been submitted for a Segway tours and sales facility. The business will occupy bay #162 of the commercial plaza. The applicant has submitted tour route maps that indicate the tours will be operated on the barrier island, in the downtown area, and within the Lake Ida Neighborhood. The hours of operation will be 9:00 a.m. to 5:00 p.m. Monday through Sunday and will employ 3 people. This conditional use application is now before the Board for consideration.

The conditional use request is to allow a Segway tour and Segway sales operator in the CBD zoning district. The proposed use will provide an alternative method for visitors and residents to experience the City of Delray Beach. The electric mechanical devices will have an insignificant impact on surrounding properties. There are several concerns with the operation of this use and these issues are attached as conditions of approval. The most important issue is the tour route along Ocean Boulevard, north of Atlantic Avenue. This route is not allowed per the City's requirements and a condition of approval is attached that requires the elimination of this segment. The proposed use is consistent with the objectives and policies of the Comprehensive Plan and Chapter 3 of the LDRs. Positive findings can be made with respect to LDR Section 2.4.5(E)(5), regarding compatibility of the proposed development with the surrounding properties.

Review By Others:

Community Redevelopment Agency (CRA):

At its meeting of May 26, 2011, the CRA reviewed the conditional use request and recommended approval subject to the revision to tour route maps to comply with the City's requirements.

Downtown Development Authority:

At its meeting of June 13, 2011, the DDA reviewed the conditional use request and recommended approval.

Courtesy Notices:

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

- Neighborhood Advisory Council
- Delray Citizen's Coalition
- Beach Property Owners Association
- Lake Ida HOA
- Chamber of Commerce

Public Notice:

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

Mr. Durden inquired what was the reason those areas were chosen for the tours. Why is it that there are no tours for the Southwest and Northwest area?

Mr. McDonnell advised when the applicant came before you this was their first crack at the tours and they mentioned that they were open to operating the tours in other areas of the City.

Applicant:

Mr. Kyle Bojan, representing the applicant, advised originally when we came to Delray Beach we looked at where the landmarks were and the visible areas. We opened up the Lake Ida area before we applied the conditional use. We want to branch out but we are taking it one step at a time.

Public Comments: None

Board Discussion:

Mr. Jacquet advised he thinks a good point was raised about the west side. He questioned if notices were given within 500 feet of the locations. Mr. McDonnell advised yes, and it was also advertised in the newspapers. Mr. Jacquet inquired if I live or have a business within the route would I be notified? Mr. McDonnell advised no, you wouldn't, only if your location was within a 500 foot radius from the business location would you be notified. Mr. Jacquet advised his concern was a safety issue. I am concerned about the safety measures. This is something that is going to be going up and down the streets. Do we have any issues with traffic or law enforcement? Mr. McDonnell advised this has gone through the LDR process and it has been in progress and there have been no issues. There is a practice course before any people can go out on a Segway. A lot of the concerns you mentioned have been looked at. It is very well monitored. All of the concerns staff originally had have been resolved to our satisfaction.

Mr. Miller advised Segways are becoming very popular. They are operating in South Carolina and St. Petersburg.

Mr. Kyle Bojan advised the route goes from the Marriott and east and west north of the Marriott on the public street. Can we keep that route? We were told we could operate north of the Marriott. Mr. McDonnell advised yes they could go north of the Marriott as long as it complies with the restrictions in the code. The route is allowed as long as it is not along the restricted routes. As long as it meets the conditions in the report you are ready to go.

Mr. Miller inquired if the east/west route on South Ocean is that down Nassau Street. Mr. Bojan advised no.

Motion:

Motion made by Mr. Jacquet, seconded by Mr. Lynch, and approved 5 to 0 (Mr. Glickstein and Mr. Krall absent) to move a recommendation of approval of the conditional use request to allow a Segway Tours and Segway Sales for Segway Tours of Delray Beach, by adopting the findings of fact and law contained in the staff report, and finding that the request, and approval thereof, is consistent with the Comprehensive Plan and meets criteria set forth in Sections 2.4.5(E)(5) and Chapter 3 of the Land Development Regulations, subject to the following conditions:

1. That the tour route map be revised to eliminate the segment along Ocean Boulevard from the public parking lot north of the Marriott Hotel to Atlantic Avenue.
2. That a note is added to the tour maps that tours will be restricted to the west side of the Ocean Boulevard right-of-way in those areas they are allowed which is north of the public parking lot north of the Marriott Hotel and from Casuarina Road to Ingraham Avenue.
3. That the business is limited to no more than nine tours each day.
4. That the tour guides are prohibited from amplifying voice or music while operating tours.

B. Transmittal Hearing for Comprehensive Plan Amendment 2011-1:

The item before the Board is that of recommending to the City Commission those items which should be considered in Comprehensive Plan Amendment 2011-1. Pursuant to LDR Section 9.2.1, amendments to the Plan must be formally initiated by the City Commission.

Motion:

Motion made by Dr. Spodak, seconded by Mr. Jacquet and approved 5 to 0 (Mr. Glickstein and Mr. Krall absent) to recommend that the City Commission transmittal of the proposed Comprehensive Plan Amendment 2011-1 to the Florida Department of Community Affairs.

City-Initiated Text Amendments:

Future Land Use Element - Addition of Policy A-5.4 to require the building and site designs for all development and redevelopment projects to incorporate Crime Prevention Through Environmental Design (CPTED) standards to the greatest extent possible

Policy A-5.4 Building and site designs for all development and redevelopment projects shall incorporate Crime Prevention Through Environmental Design (CPTED) standards to the greatest extent possible. This policy shall be implemented through the review process associated with site plans. The Land Development Regulations shall be amended in FY 2011/12 to reflect this requirement.

Change: Addition

Comment: This Policy is being added to increase community safety and reduce opportunities for criminal activity in the City of Delray Beach. CPTED standards must be incorporated into all building and site designs. Compliance will be determined through a CPTED review by the City during the site plan review process. This requirement will be included in the Land Development Regulations in FY 2011/12.

City-Initiated Future Land Use Map Amendments:

City initiated Future Land Use Map amendment from County INST/8 (Institutional with an underlying Residential of 8 units per acre to City CF (Community Facilities) and associated annexation (via the provisions of the executed Agreement for Water Service and Consent to Annexation) with initial City zoning of CF (Community Facilities) for Lago Vista, located at the southeast corner of Linton Boulevard and the LWDD E-3. (Quasi-Judicial Hearing)

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Ex-Parte Communications: None

Mr. Hoggard entered the project file into the record.

The property is located in the City's annexation area. This is a voluntary annexation. The benefits are faster fire and police response. The City will receive \$28,000 per year in City taxes.

Review by Others:

The subject properties are not in an area that requires review by the Community Redevelopment Agency (CRA) or Downtown Development Authority (DDA).

Palm Beach County Notice:

On June 17, 2011, Palm Beach County Administrator and Palm Beach County Planning Division were notified of the City's intent to annex this property. The County has responded that it has no objections to the proposed annexation.

IPARC Notice:

On June 23, 2011 a notice of the Future Land Use Amendment was also provided to the Interlocal Plan Amendment Review Committee (IPARC) which distributes the information to adjacent municipalities.

Lake Worth Drainage District:

On June 23, 2011, Lake Worth Drainage District was notified of the City's intent to annex this property. Lake Worth Drainage District has submitted a letter stating that they do not have any objections to the proposed annexation.

Courtesy Notices:

Special courtesy notices were provided to the following homeowners and civic associations:

- Neighborhood Advisory Council
- Delray Citizens Coalition
- Hammock Reserve HOA
- Del-Aire HOA
- Shadywoods HOA

Public Notice:

Formal public notice has been provided to the affected property owners as well as property owners within a 500' radius of the subject property. Additional letters of support or objection, if any, will be presented at the Planning and Zoning Board meeting.

Public Comments: None

Motion:

Motion made by Dr. Spodak, seconded by Mr. Lynch and approved 5 to 0 (Mr. Glickstein and Mr. Krall absent) to move a recommendation of approval to the City Commission for a City initiated Voluntary Annexation, Future Land Use Map (FLUM) Amendment from Palm Beach County INST/8 (Institutional, with an underlying High Residential density of 8 units per acre) to City CF (Community Facilities), and rezoning from County RM (Multi-Family Residential Medium Density) to City CF (Community Facilities) for an approximate 6.12 acre site located at 5430 Linton Boulevard known as the Lago Vista property, by adopting the findings of fact and law contained in the staff report, and finding that the requests and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Sections 2.4.5(D)(5), 3.1.1 and 3.2.2 of the Land Development Regulations.

- C. Conditional use request to allow conversion of an existing 3,335 sq. ft. residential structure at 614 Martin Luther King Jr. Dr. within the Single Family Residential (R-1-A) zoning district, to a church for Eglise De Dieu Primitive De La Nouvelle Jerusalem, Inc., with an associated off-site parking lot on existing vacant parcels located on the west side of NW 6<sup>th</sup> Avenue, approximately 165 feet south of Martin Luther King Jr. Drive. Quasi-Judicial Hearing
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Ex-Parte Communications:

Mr. Jacquet drove by the property last week and spoke to a couple of gentlemen and inquired if this was the location of the proposed conversion to a church. He also inquired about the parking lot.

Mr. Miller drove by the site.

Mr. McDonnell entered project file no. 2011-129 USE CCA into the record.

Parcel 1 is proposed to house Eglise De Dieu Primitive De La Nouvelle Jerusalem Church which has a congregation of about 50-80 members and currently rents a church building for weekly services currently being held at 414 SW 3<sup>rd</sup> St. The proposed development site will be their first sanctuary. The three (3) main services of the Church will be on Friday evenings between 8:00 p.m. - 10:30 p.m. and on Sundays from 8:00 a.m. – 11:00 a.m. and 5:00 p.m. – 8:00 p.m. Creole Classes will also be offered for those parishioners who cannot read the Creole Bible. This training service will be offered two (2) days a week for two (2) hours a day during the weekdays in the afternoon. Other church functions common with places of religious assembly may occur from time to time such as church bazaars, fundraisers and various holiday activities around the holidays such as Easter and Christmas.

It is noted that the existing structure satisfies the minimum required building setbacks for the R-1-A zoning district. Churches have been approved throughout the northwest and southwest neighborhoods, frequently on Community Facilities (CF)-zoned properties where churches are a permitted use (as opposed to conditional use in the R-1-A). CF-zoned properties are frequently located adjacent to established residential neighborhoods with residential zoning, and because of this, contain measures that help to insure compatibility. For example, when a church is proposed in a CF district and is adjacent to residential zoning, LDR Section 4.4.21.H.2 encourages a 15 foot perimeter landscape area, or as an alternative, a wall, a decorative fence, or hedging for aesthetic and buffer purposes. The subject property under consideration for conditional use is not afforded the ability to provide these mitigating measures, given the tight, compact nature of the development pattern and the shallow setbacks with immediately adjoining properties.

In addition, the proposed conversion of the 3,335 sq. ft. multi-family residential structure to a sixty-eight (68) seat church does not fulfill remaining land use needs. There are at least twelve (12) churches within a one (1) mile radius of the subject site. Several of these churches share the same denomination and serve the same spiritual community as the proposed church. Additionally, special attention should be given to the physical proximity of the subject property to adjacent single family residences. Negative impacts of noise and traffic on the adjacent residential properties are highly probable if a church is established at the subject site. The future use and intensity is inappropriate and does not comply in terms of these physical considerations. With significant concerns on the impacts to the neighboring residential properties, a finding of overall consistency with Future Land Use

Element Objective A-1 cannot be made.

Open Space

Parcel 1 which contains the church building has an existing nonconformity with respect to open space. Less than one percent (1%) green space currently exists, whereas twenty-five percent (25%) is required. It is noted that with the proposed improvements on the church parcel, the site will meet the open space requirement at twenty-six (26%). The installation of new landscaping includes removal of existing pavement on the north side facing Martin Luther King Jr. Dr. and removal of pavement around the base of the building to provide foundation plantings. These landscape improvements will eliminate the existing nonconformity with respect to open space.

Off-Site Parking:

Pursuant to LDR Section 4.6.9.E.5.a.1., in instances where uses do not have sufficient space to accommodate parking on-site, parking for day-to-day operation may be provided on another property within three hundred feet (300') measured along an acceptable pedestrian route. The applicant has proposed a three hundred twenty-two foot (322') pedestrian route between the church entrance and the off-site parking lot. A waiver has been requested to allow an increase to the pedestrian route distance from three hundred feet (300') to three hundred twenty-two foot (322'). The applicant has provided the following verbatim justification statement regarding the waiver request:

Review by Others:

The CRA (Community Redevelopment Agency) made a recommendation of denial of the conditional use request and waivers to establish Eglise De Dieu Primitive De La Nouvelle Jerusalem Church at 614 Martin Luther King Jr. Dr. at their meeting of July 14, 2011.

Courtesy Notices:

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

- North West Community Improvement Assoc.
- West Settlers Historic
- West Side Heights
- Delray Citizen's Coalition
- Neighborhood Advisory Council

Public Notices:

Formal public notice was provided to property owners within a 500' radius of the subject property.

Mr. Jacquet advised that due to the parking problem parishioners may park along Dr. Martin Luther King Jr. Boulevard. How do you see people getting to the church? Mr. Miller advised there is an alleyway. Mr. McDonnell advised it is private property. The church has attempted to reach the property owner to purchase that piece of property. They are looking at another property owner in the area to alleviate the issues we have discussed. They would have to walk up 6<sup>th</sup> and over Dr. Martin Luther King Jr. Boulevard to get to the church.

### Applicant

Michael Weiner, Esquire, representing the applicant, advised there are twenty-six parishioners in attendance which is about one-third of the church. You should be making recommendations to the City Commission tonight. We have a conditional use and two waivers.

### Conditional Use

There is a well worn path of elements we have to prove. Future Land Use is in compliance with the LDR and Comprehensive Plan. LDR Section 2.4.5 – it does not have a detrimental effect on the neighborhood. LDR Section 3.1.1(B) Concurrency – both the staff and applicant say concurrency is met. LDR Section 3.1.1(C) Consistency – we are consistent there is nothing that prohibits a church in this area. Four standards of Chapter 3 are met. There are twelve churches within a one mile radius. These twelve churches have not been detrimental to the neighborhood and a thirteenth (13<sup>th</sup>) would not be detrimental. It would not destabilize the area. Staff kept referring to noise and traffic. Traffic concurrency is met. They also say the setback requirements would be correct for the neighborhood. If the conditional use is granted there will be a significant increase in open space. There is one statement in the staff report that says this is a negative impact on adjacent properties. We took a look at the three houses across the street. Their value is approximately \$79.00 per sq. ft., and there is a church at the other end of the block which is \$77.00 per sq. ft. The churches there did not bring down the property values. There is no data in the staff report other than their own bold opinion. Looking at 22<sup>nd</sup> Street and 1<sup>st</sup> Avenue (hand outs attached) it is a great neighborhood with homes valued at over \$120.00 per sq. ft. and \$129.00 per sq. ft. If those churches do not wreck a neighborhood, why is this church wrecking a neighborhood?

### Waivers

The waivers will not adversely affect the neighboring area, will not diminish the provision of public facilities, will not create an unsafe situation, and does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner. We are talking about twenty-two linear feet, less than 7% of the standard. Staff does not want to focus nor do they want to give the twenty-two feet. Walking an extra 22 feet is not detrimental to the neighborhood. Does this make it unsafe? The only unsafe situation would be to leave this building open without a house and have the lot open without a use. This would help to better the neighborhood.

The stacking distance is regularly granted. We are talking about fifty-six (56) parishioners. In 2004/2005 Ebenezer Wesleyan Methodist Church which is in the residential district was granted a conditional use and stacking distance waivers. That church was for two hundred fourteen people, with seventy-six parking spaces. This was a positive staff report and was in the Downtown Master Plan. Under the circumstances we do not see why there should be any distinction from this church and the other church. Staff will take a look at this report and look at what they have done in the downtown area, and they will have an approval with respect to this particular church.

Effective September 2000 the Federal Government passed the Florida Religious Freedom Restoration Act. If you deny the conditional use and the waivers, this is a denial for the church to assemble. What is the reasoning? The burden falls on staff. Under the

circumstances we have a church that has put their life savings and heart and soul into this endeavor. A waiver is a tool to allow for the development of a property. The use was to be an apartment house but it was abandoned. You have a chance here tonight to grant a conditional use that will put this building back into use. You have Federal and State law that said there should have been an analysis. I ask for your vote on all three items.

Public:

Mr. Reginald Cox, R.A., 715 NW 2<sup>nd</sup> Street, advised he lives 300 feet from the proposed property. I would like to speak against the project for a number of reasons:

1. St. John Primitive Baptist already exists on the southern 28% of the block. If the proposed church is approved the block would be 42% non-residential use. This is not the intent of the LDR and the closest neighbors.
2. There are three existing churches within 500 feet of the proposed property.
3. This is a residential community and I would like it to remain that way.

In the staff report there were positive findings regarding drainage. I am an architect and the way that building takes up that site I do not agree with that. If you look at the map this site is different than any other site. This is a very narrow site.

I have been in Delray Beach for forty years and I recommend denial of the project. Letter dated July 18, 2011 from Mr. Cox is attached.

Mr. Calvin Williams II, 61- NW 2<sup>nd</sup> Street, advised he lives on the east side of this building. By allowing them to have a church my dreams are fading away. They saved up their life savings, however, my wife and I work hard and we had a dream of getting our house. And back in 2004 we purchased the land. My concern was what they are going to do with the property. I wish it would be a single-family home area. Mr. Weiner mentioned the hours of operation would be Friday, 8:00 a.m. – 10:00 a.m., Sunday 8:00 a.m. – 11:00 a.m. and 5:00 p.m. – 8:00 p.m. I have been on my job for fifteen years I start work at 3:00 a.m. and when it is time for me to come home relax the church would be open. My bedroom is 15 feet from the building. They mentioned off-site parking. That parking would be in the rear of my house. I work six days a week, and Sunday is my only day off when I would like to relax. It is a give and take situation, and I am in a tough spot. We want to live our dream also.

Mr. Wesley (inaudible) advised he was willing to give them ten feet to be able to walk to the back of the church. We have a house facing 7<sup>th</sup> Street. Mr. Miller inquired if there were two easements. Mr. Wesley advised the easement comes from the back of my house and I would be willing to give up that portion. Mr. Miller advised this has to be formalized before it comes forward. You should talk to the parties and see if you can come to an agreement on this.

Public Comments Closed:

Mr. McDonnell advised during their presentation they did a description and all of the other churches in place have not had problems. This is an existing structure with shallow setbacks. Are the other churches compatible in the neighborhood that might enjoy a larger setback? Is the parking on the property or do they have to walk around the block to get to the church? The open space is actually improving. The Church of the Palms

enjoys a very large setback with stand alone parking on the property. You can't compare the two churches. Our primary reason for recommending against this is due to the close proximity to the adjacent structure.

Mr. Weiner advised staff mentioned the twelve churches for the purpose to establish negative impacts of noise and traffic are highly probable whether or not there is a parking lot close or far away. The staff report is based upon that fact that somehow or another with respect to this configuration people would break the law. Either a church is noisy or not noisy, noise is not the factor. Let's talk about walking 300 feet around. If we no longer need this and can work it out between now and the City Commission meeting we will draw that particular request for a waiver I would like to vote and allow us to move forward. They are going to park in the swale and get a ticket. Breaking the law is not a reason to deny a waiver. This church is not likely to break the law. Please take a look at the other churches analysis. I don't know why staff missed the fact that we were in the Downtown Development area. We do not treat people based upon a special privilege. If you don't think the burden of proof is met we'll have the Federal and State law to look at. Please give us a recommendation tonight and let City Commission vote on this item as we have met the standard.

Board Discussion:

Dr. Spodak advised he doesn't think anybody can agree what the church can do. It is a positive for any area. We have to weigh in the fact that people have invested in their homes. There are people who live in close proximity to the church. We should stay focused on what our job is here tonight.

Mr. Durden advised he was a churchgoer. In this situation I think the location and what is required with the 15 foot barriers and landscaping some items in there to prevent the noise and an encroachment on someone else's property I can't see that happening. It is not feasible to have a church in that area.

Mr. Jacquet inquired if a notice was sent out to the Northwest Neighborhood folks. Mr. McDonnell advised yes they were sent out. Mr. Jacquet advised he would like to hear some comments from the leaders in that area. Mr. Weiner was correct when he stated according to Federal and State law. You can't restrain someone from practicing their faith. That is not what we are doing here we are not limiting the practice of faith and that case law has shown that even with aesthetics or local government reasons you can regulate certain things but you can't regulate someone's practice of faith. My main concern is the parking. It is a big issue. I went to the site. Mr. Cox pointed out that that is where everyone will be walking. We are charged with the responsibility of making this decision. No one wants to go against church or God. It is true the location is the problem. We don't have a problem with the church. Parking off-site will cause an issue, and the applicant said it is met. I have an issue with those parameters. Mr. Cox advised that the neighborhood is a single-family residential neighborhood. It is unfair to those who purchased their home and live in that area. I do see a problem. Mr. Potts mentioned they are willing to give 10 feet. That has not gone to staff. The other churches have their on-site parking and there is enough space between the church building and the single-family homes that surround it. There are too many issues that have not been worked out. It is difficult for me to vote yes on this. Father please forgive me.

Mr. Lynch advised he agrees with most of the comments made. The parking is a problem. Outside of that I think it is more of an issue relating to the size of the property and the

adjacent properties. I have to vote against this. I am unsure if the purchase of the easement would eliminate the issue. My issue is with buffering and the houses next to the property.

Dr. Spodak advised he agrees with Mr. Lynch's concern regarding the buffering. It is a great issue regarding the neighbors.

Mr. Miller advised he has a lot of the same feelings that everyone has mentioned. I grew up next to Church of the Palms but there was about 200 feet between my house and the church. Parking is a problem as well. To walk in the rain and heat the parishioners will cut through the back and infringe on the neighbor's property. Small community churches are common in this area. If I was in Mr. Williams' seat I know I wouldn't think we can impose on anybody as there are too many unknowns and variables.

Mr. Weiner advised he would appreciate it if they could work it out with Mr. Potts for a different plan. I leave it up to the Board.

Mr. Lynch advised his feeling was to go that route but besides the parking there are other issues. They will appeal to City Commission.

Ms. Pyburn advised if you go forward with approval we will need a motion on each of the waivers for the parking.

Motion:

Motion made by Mr. Lynch, seconded by Mr. Durden (Mr. Glickstein and Mr. Krall absent), and **Denied** 5 to 0 to move approval of the conditional use request and waivers to convert the existing multiple family residential structure to a church for Eglise De Dieu Primitive De La Nouvelle Jerusalem, Inc., 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 Sections 2.4.5(F)(5) and Chapter 3 of the Land Development Regulations, subject to the following conditions of approval:

1. A unity of title for all three (3) subject parcels shall be submitted, approved and recorded prior to issuance of a certificate of occupancy to establish the church.
2. The photometrics from Parcel 1 (church building) are illegible. They should either be removed or redrawn at a larger scale for legibility. For the church building, the building entrance, accent pathways and landscape lighting will be required to comply with the minimum and maximum footcandle requirements.
3. Pursuant to LDR Section 4.4.3.D.2., churches located within the R-1-A zoning districts do not permit child care or day care as an accessory use. It must be approved separately as a conditional use. Approval of a subsequent conditional use application to allow child care facilities within the church shall be required.
4. A subsequent Class III site plan modification shall be required and approved by SPRAB and certified as approved prior to issuance of a certificate of occupancy to establish the church.
5. A subsequent signage application is required to be approved prior to installation of any new signage.

- D. Conditional use request to allow a density in excess of twelve (12) units per acre in conjunction with the construction of 253 residential units on 18.18 acres which results in a density of 13.91 units per acre for Village Square located on the east side of Auburn Avenue, between SW 7<sup>th</sup> Street and SW 8<sup>th</sup> Street and including the City block located south of SW 8<sup>th</sup> Street between SW 12<sup>th</sup> Avenue and SW 13<sup>th</sup> Avenue. Quasi-Judicial Hearing
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Mr. Hoggard presented the item to the Board.

The development proposal to build a two hundred and fifty three (253) unit residential development is consistent with the policies of the Comprehensive Plan. The development proposal also includes two waiver requests; one to LDR Section 4.6.9(D)(2) for the provision of maneuvering area so that a vehicle may be able to enter and exit the parking area onto a street in a forward manner; the second waiver is to LDR Section 4.3.4(K) to the minimum lot size, minimum lot width, and minimum lot depth requirement for single-family and duplex lots. Positive findings can be made with respect to LDR Section 2.4.7(B)(5) for both waiver requests.

The applicant is also requesting, pursuant to LDR Section 4.6.9(F)(1), a Special Action Parking Reduction to reduce the parking requirement for Phase-I from 173 spaces to 101 spaces (a reduction of 72 parking spaces). The applicant has based the special action parking reduction request in the findings of two important studies: The Senior Housing Trip Generation and Parking Characteristics Study prepared for the Institute of Transportation Engineers (ITE), and The City of San Diego Multi-family Residential Parking Study prepared for the San Diego Housing Commission.

Staff supports this reduction based on the conclusions of the two studies presented and on the applicant's analysis. Consistency with Chapter 3 and Section 2.4.5(F) (5) of the Land Development Regulations will be achieved provided all conditions of approval are addressed.

The proposed two hundred and fifty three (253) unit townhouse development represents 13.91 units per acre. At the proposed density, the development proposal is required to meet the development standards as listed in LDR Section 4.4.6(I), and applicable sections of the Workforce Housing Ordinance (LDR Section 4.7). In conclusion, findings of compliance can be made with regard to all performance standards (a), (b), (c), (d), (e), (f) and (g) listed in LDR Section 4.4.6(I) and the requirements of the RM zoning district have been adequately addressed to support the proposed density of 13.91 units per acre. The development proposal includes the provision of 228 workforce housing rental units within the development, 18 of which must be in compliance with LDR Section 4.7 Family/Workforce Housing. Given the above, positive findings can be made with respect to both the Comprehensive Plan and all applicable LDR Sections and staff is recommending approval of the Conditional Use request for Village Square.

Ex-Parte Communications: None

Review By Others:

At its meeting of July 14, 2011, the Community Redevelopment Agency (CRA): reviewed the conditional use request and recommended approval of the conditional use request.

If the Conditional Use request is approved by the City Commission, a site plan application will be processed for final action by the Site Plan Review and Appearance Board (SPRAB).

Courtesy Notice:

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

- Bellehaven HOA
- Carver Park HOA
- Rosemont Gardens HOA
- Delray Citizen's Coalition
- Neighborhood Advisory Council

Public Notice:

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

Officer Greg Wesner, Delray Beach Police Department, advised he would like to thank you for this opportunity to appear before each of you on behalf of the Police Department. I have been a Crime Prevention Through Environment Design Practitioner (CPTED) for 4 years. During that time I have completed 70 crime prevention reports for areas throughout our city.

Two years ago, this Board along with many of us present met to consider 'The Village at Delray'. This evening it is "Village Square". The similarities between the two projects cannot be overstated. Both projects proposed multi-family buildings, dozens of units on several acres, and would require tens of millions of dollars to complete.

Village at Delray - proposed (192) units on 11.3 acres  
Village Square - proposes (228) units on 10 acres

Both were designed for members of our community who may be locked out of other real estate markets. Both replaced previous developments which, themselves, presented formidable challenges to the Police Department. Therefore, the Police Department's position on the proposal comes from the fact that it will be tasked with responding to issues that arise once it is completed.

Recently, concerns have surfaced because credit markets are balking at the idea of building the mixed-income model, which features affordable rental apartments which create a healthy social setting for families while decentralizing property (Sun Sentinel July 7, 2011). Unfortunately, city budgets are being reset to a period when available taxpayer dollars were also lower. Therefore the Police Department wants to ensure that Village Square is a responsible effort which does not overburden the agency's budgets:

In 2009, concerns about future crime in the 'Village at Delray' were so compelling that ten (10) CPTED strategies were mandated as part of 'Final Conditions of Approval'. Today those same ten (10) CPTED strategies are the only way to adequately protect Village Square. CPETD strategies accumulatively provide police agencies with the ability to impact crime before it occurs.

CPTED practitioners understand that there are three elements which an offender must have before they can commit a crime:

1. The desire to commit a criminal act
2. The necessary skill set to accomplish the act
3. The opportunity

Because opportunity is the only one of the three elements which we can realistically expect to impact, CPTED strategies are used to reduce opportunity by making potential targets of crime inaccessible and unprofitable. CPTED reduces opportunity for crime by using the following principals to impact the environment where crime may occur.

1. Natural Access Control - actively denies access to crime targets by using mechanical, organizational, or natural measures
2. Territorial reinforcement creates 'Defensible Spaces' which encourages residents to extend their social control out from their own homes into semi-public spaces. With regard to rental units, territorial reinforcement expands the interests of tenants to create private spaces out of public ones.
3. Natural surveillance puts eyes on the streets by providing increased visibility from outside to inside. Natural surveillance encourages neighbors to look outside their homes so that abnormal users have fewer opportunities to meander in the shadows.
4. Lighting and landscaping strategies considers the amount and quality of light covering areas which are vulnerable to crime; while appropriate landscaping provides unobstructed views of adjacent areas. In the months leading up this evening, all the affected parties met to consider whether CPTED strategies would be included in the proposal.

As a result of those meetings Roundstone Development has presented plans which reflect the use of some CPTED strategies:

1. Adequate lighting
2. Natural surveillance
3. Territorial reinforcement are all reflected in their plans

However, gated entrances, on-site security, and closed circuit television are strategies which need to be part of the proposal. Like the Auburn Group in 2009, Our Housing Authority has expressed reservations about fully implementing all of the proposed CPTED strategies during the planning and permitting phase.

The Roundstone Development offers their applicant screening process as their best means to protect the development, however, crime analysis studies for Auburn Trace and Carver Estates indicated the following:

1. Most of the crime occurring inside both developments was committed by guests of the residents.
2. Predators who went inside both developments in search of vulnerable targets.

Research of the Calls for Service for Delray Beach Heights 2006-2011

1. Car-Jacking in 2009
2. Armed Robbery in 2010
3. (3) Sexual Batteries
4. (138) Disturbance Calls
5. (81) Traffic Complaints
6. Eight (8) recovered stolen vehicles, stolen in other cities conclusion:

The Village at Delray became a beautiful development. There is nothing foreboding or Institutional about the Village at Delray. CPTED strategies will in no way restrict anyone's lifestyle at Village Square

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CARVER ESTATES  
CALLS FOR SERVICE' and OVERTIME COSTS\*  
OCTOBER 2004 -DECEMBER 2004

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CALLS FOR SERVICE:

Total City Wide:	13,083
District Two:	5,115
Beat No.0780 containing Carver Estates:	175**

\*\* Fifty-Eight (58) Calls for service per month, for each month

OVERTIME COSTS:

District Two:	\$113,265
Total Road Patrol:	\$282,867
Carver Estates:	\$24,575***

\* Based upon Police Department records

\*\*\* 20% of Total overtime for District Two for same period

The City Attorney's office received an e-mail from Michael A. Hartman, Roundstone Development, (copy attached) dealing with issues with some of the conditions of approval regarding CPTED, specifically item no. 8, 9, 10, 11, and 12.

Mr. Miller advised that the Police Department is recommending additional steps to what they propose.

Mr. Hartman advised he graduated in 1981 (Accounting, CPA), and has been a business consultant and tax accountant for twelve years. Over the last eighteen years I have developed 100 developments similar to this in sixteen states. Not only have I developed them but I have managed them and given guarantees to investors. Over the last eighteen years I have gained practical experience. Here are a few misconceptions:

One of the basic premises behind the CPTED review is that Village Square is a redevelopment of Carver Estates. That is a false premise. Carver Estates was public housing, Village Square is not. It is a combination of workforce housing and market rate for sale housing with an elderly component. A family of four in Village Square can live there if they make up to \$44,400.00 annually. We are trying to serve the people who are making it on their own but are struggling pay check to pay check. They cannot do a market rate rent of \$1,100 to \$1,300 per month they are in the middle. They do not qualify for any assistance. We keep our rents affordable by not only getting conventional mortgages but by selling the tax attributes of the property to investors. We are selling to people like Ford Credit and Bank of America. One other thing, Carver Estates paid no ad valorem taxes. Village Square will be paying their ad valorem taxes. We asked for certain that condition no.'s 8, 9, 10, 11, and 12 be removed from the staff report. After we signed our Master Development Agreement with the landowner our first job was to meet with City staff. We had a charette in January 2010, and seventy-five people from the neighborhood attended and came up with the site plan for Village Square. The only thing

we did differently is that we converted five buildings for the elderly to one building. They wanted to access everything without going outdoors. We integrated the clubhouse into the building. The clubhouse is right at the entrance.

In terms of CPTED, we have no problem with any of the design requests that the Police Department has made. We have incorporated all of them in and agreed to gate Phase I and Phase II. The conditions that we are objecting to are relative to the security operations. After eighteen years and operating over one hundred properties we know what we need to do to protect our residents. Unlike what was there before, this is privately financed. We have a fifteen year operating guarantee to the limited partner. There will be a review by the financial lender who gets reports every month. The State will come in every year and review the project and inspect 20% of the interior of the units. We have a lot of oversight. This is not what was there before. This is a new development not a redevelopment. Give us the latitude to operate as we see fit. That is why we are asking that conditions 8 through 12 be removed prior to the approval of the project. I would be happy to answer any questions about current developments and prior developments.

Mr. Jacquet inquired if there were any other developments of this type in the area. Mr. Hartman advised there is one in Haines City, Florida which consists of 159 single-family homes with affordable rentals. It is not gated or fenced in and there are no problems there. Village Square is going to be managed by a third party property management company. We are utilizing people whose sole business is to manage workforce housing.

Mr. Miller inquired what their aversion was to CPTED, is it financial or the man hours? Mr. Hartman advised it was financial in nature. If you put somebody in twenty-four hours for \$80,000.00 that would cause a reduction in our financing of over one million dollars. We are building something that is going to last and look good. We have operating deficits and guarantees. If people don't move there I don't collect rents and it has to come out of pocket.

Mr. Durden inquired if a person buys the duplex can they still rent it. Mr. Hartman advised no they are going to be for sale units and not rentals. The City may have an ordinance that states an owner cannot rent out their private residence. Mr. Durden inquired if parking was available behind the duplexes and private homes. Mr. Hartman advised duplex units or single-family (14/7 buildings) homes have a single car garage and a two car parking space in front of it. The single-family houses have a two car garage and a pad in front for two more cars. There are forty-four packing spaces for 11 houses. We have complied in every way possible.

Ms. Dorothy Ellington, Executive Director, Delray Beach Housing Authority, advised when they had their charette back in January this was part of the plan the neighborhood came up with. The parcel directly to the west of the project is an industrial area. We were trying to buffer those single-family homes. If you want all single-family units we are basically willing to do that. That is Phase III which will not be complete until Phase I and Phase II are complete.

Mr. Durden advised it would make more sense to have single-family homes. I have read the information but I am not sure why you want to decrease the land area and increase the number of units. Mr. Hartman advised this is what the community's wanted when we did the charette. On the elderly building we increased it from 66 to 84 units because the economy was better and it did not take up any more land.

Mr. Nguyen Tran, Development Officer, Delray Beach Housing Authority, advised they have site plan approval on this property. It was approved for 239 units and we are going down in density. Currently we can build 239 units as market ready on this property right now. Our approval does not expire until November 2011. We had a charette and the community came up with the numbers. We are allowed to go up to 24 units per acre.

Public Comments:

Mr. Chuck Ridley, 210 NW 2<sup>nd</sup> Avenue, advised he has been involved with this project for over eleven years. I started with the Southwest Neighborhood Plan and the neighbors began to define what we did not want and what we did want. There was a lot of tension during that period and whether we would have affordable housing. We were concerned that the professionals called urban renewal what we called neighborhood renewal, and the process was turned into a plan and codified in 2002/2003 and worked out very well. The last time I stood before you was to speak on behalf of the Villages of Delray. The developer's refused to sit with us and work through a process that worked for us. We participated and the density went from 12 units per acre to 24 units per acre. The developer gave us no guarantees that our neighborhood would not deteriorate. I am here tonight with a different position. I do know how the Delray Beach Housing Authority works; they are real clear about what we wanted. Mr. Hartman met with the community and had a charette. The Housing Authority has worked with us and they will continue to work with us. From the onset they have moved from 24 units to 14 units. That is good for an agency that is working in the right direction. We are asking you to safeguard our neighborhood to make sure they work with the representatives to make sure that something can happen there.

Dr. Vic Kirson, 2050 Alta Meadows Lane, advised he has been following this project for one and one-half years, and this is the best presentation I have heard. This is a development for 253 low income units and will be government subsidized, and be Section 8 housing. I spoke to the developer and he said there is going to be private money. The banks are not giving out private money for development. I believe the Village had to reduce the number of units. Two hundred fifty three (253) low income units do not belong in Delray Beach, send them to Boynton Beach.

Ms. Wright, 102 SW 12<sup>th</sup> Avenue, advised that the community appreciates the Delray Beach Housing Authority for being a part of this plan. We have had things come into our community and we have never had a say. They were concerned enough to contact the community. I live in this community and am very proud to be here. I am president of my Southwest Neighborhood and the Atlantic Park Garden Association. We are proud of where we live, and care about our community.

Mr. Jacquet inquired what concerns Ms. Wright had. Ms. Wright advised we were concerned about another Carver Estates and not having the security and up-to-date amenities. Mr. Jacquet asked how did they assure you. Ms. Wright advised we sat and wrote out a plan on what we wanted to see in affordable housing. We talked about it in the charette and Ms. Ellington opened her Board meeting and we attended.

Mr. Robert Colvard, Roundstone Development, advised if we don't get the financing it goes away. We did have several neighborhood meetings. There are several safeguards that we have to go through, and we have to sign a land use regulation. There are several safeguards built into the program and finance mechanism.

Jennifer (last name inaudible) advised she is not for or against this project. I ask you to hold them to the same standards. I would hope that the children will be safe. Measures should be taken to ensure that crime would not come back as we do not want to see another Carver Estates.

Mr. Reginald Cox advised he attended a few meetings with the Housing Authority and the Southwest Neighborhood on occasion. The need for this type of housing is there and we should honor it. I grew up in the Southwest area, and I am a licensed architect, and I have a MBA. We want this in Delray Beach and they can do what they want in Boynton Beach.

Mr. Shelly Weil, 925 Greenwards Lane, advised the commissioners of the Delray Beach Housing Authority wanted me to represent them and let you know how excited we are about the program. This is not going to be a Carver Estates, the people will take more pride in their community. CPTED is necessary. You will have less crime because of the nature of the community and the Board voted to put in gates in. I hope you will consider this as a very worthwhile project.

Ms. Jean Roker advised she moved from Delray Beach, and came back. I moved to the Villages of Delray. I have nothing against new projects, my concern is that guidelines and rules should be put into place. I have children who are in the neighborhood and they need a safe place to go. Put your rules in place, screen your applicants, and make it a safe environment.

Ms. Betty Goodman, 930 SW 11<sup>th</sup> Terrace, inquired if they were trying to close 8<sup>th</sup> Street. Mr. Hoggard advised no they are not.

#### Public Hearing Closed

Mr. Hoggard advised we did not say this was a redevelopment to create another Carver Estates. The Delray Beach Housing Authority is not building units that are like Carver Estates. This neighborhood has a long history of crime and violence. Officer Wesner advised that some of the crime calls in the areas to the north were not the residents living there but the people visiting.

Mr. Miller inquired if they had a CCTV (closed circuit TV)? Mr. Hoggard advised yes they did.

Officer Wesner advised he was at the site with Mr. Estelio Breto, and we were pleased with what we saw. They have twenty-five cameras that are downloaded into a computer mainframe and only certain people have access to it. There are three people on site to provide the Police Department with any response we may need. We want the CCTV. We do not expect they will put somebody on site 24/7.

Mr. Lynch inquired about condition no. 8. That relates to the on-site contractor patrolling the area. Officer Wesner advised the Village of Delray has a security guard on six to eight hours a day with randomly varying shift times. It therefore appears you have 24 hour security. They will not know when the security guard is on or not.

Mr. Hartman advised he has been managing properties with workforce housing for eighteen years. I see what works and what does not work. A CCTV does not prevent crime it gives a record after the fact. If the outside neighborhood wants to get in they will

get in. We gave a security plan that we agreed to as a conditional use. We do a ten year background check, including rental history, a crime report check, and if the applicant has been convicted of any felonies. If any of those items are found you can't live there. We do not differentiate. We are going to have a CCTV at the entrances off Auburn and off 8<sup>th</sup> Street. If anybody does get in we will have a record of it. We set a thirty day cap and we can go up to 90 days. We put in a resident watch program and those people will set-up a crime watch. We moved the buildings out and put in open areas in the center. All the other design features have been completed. The crime watch is going to include a building captain for each building. We will have an emergency contact number that will be available to the police and residents. We are going to have security as we are responsible for this. If we don't run this properly it is not in our best interest.

Dr. Spodak inquired what the cost of the total product would be including the land. Mr. Hartman advised \$45 million. Most of the cost is associated with the operation and maintenance. If you put somebody in twenty-four hours for \$80,000.00 that would result in a reduction in our financing of over one million dollars which means you will have money to pay for improvements to the development.

Mr. Lynch inquired what does the \$80,000 cover. Mr. Hartman advised monitoring and controlling, and the gates.

Mr. Jacquet inquired if it makes or breaks it. Mr. Hartman advised "No", I just never had to do it. They had CCTVs at Carver Estates and they did not stop anyone from coming in. This is a different populous. Gates are made to keep people out.

#### Board Discussion

Dr. Spodak advised yes it will cost \$80,000 but the residents would feel safer. They would also feel safer with the system. There are studies that do conclude a CCTV reduces crime. I am in favor of that.

Mr. Durden advised he agreed with Dr. Spodak, and we should add the cameras to the center buildings as it would be a benefit. An ounce of prevention is worth a pound of cure. If you can have shifts you don't have to have one person there all the time. That will cut your costs and the residents will feel safer.

Mr. Jacquet advised he would like to commend the developer for his work with the community. The security is a big issue for the Board. An ounce of prevention is worth a pound of cure. The cost might be worth it in the long run. I would suggest we take whatever steps necessary to insure security of our residents is priority on this project. I would like the developer to consider staff's recommendations. I would think the neighborhood and our leaders would agree that this type of measure is needed.

Mr. Lynch advised he agrees with everyone else on the Board. The crime statistics showed it was not the renters it was the guests of the renters. If it is a guest you have no control over that whatsoever. I believe in this project, and the people who spoke about the area want us to do the right thing.

Mr. Miller advised he agrees. There was a long and sordid history of this site. This is the only chance we are going to mandate something. I believe CCTVs do prevent crime if it is controlled properly.

Waivers:

1. Motion made by Mr. Jacquet, seconded by Mr. Durden, and approved 5 to 0 (Mr. Glickstein and Mr. Krall absent) to move a recommendation of approval to the City Commission of the request for a waiver to LDR Section 4.6.9 (D)(2) to waive the requirement that adequate maneuvering area shall be provided for a vehicle to enter and exit the parking area onto the street in a forward manner, 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 2.4.7(B)(5) of the Land Development Regulations.
2. Motion made by Mr. Lynch, seconded by Mr. Jacquet, and approved 5 to 0 (Mr. Glickstein and Mr. Krall absent) to move a recommendation of approval to the City Commission of the request for a waiver to LDR Section 4.3.4(K),
  - To reduce the minimum lot size for single-family lots from the required 7,500 sq. ft for: Lot #1 to 6,365.85 sq. ft., Lot #2 to 6,401.74 sq. ft., Lot #3 to 6,391.41 sq. ft., Lot #4 to 6,384.60 sq. ft., Lot #5 to 6,377.74 sq. ft., Lot #6 to 6,294.73 sq. ft., Lot #7 to 6,211.54 sq. ft., Lot #8 to 6,204.80 sq. ft., Lot #9 to 6,195.62 sq. ft. Lot #10 to 6,192.36 sq. ft., and Lot #11 to 6,789.53 sq. ft.
  - To reduce the minimum lot width for the single-family corner lots from the required 80 feet for: Lot #1 to 62 ft., and Lot #11 to 69 ft.
  - To reduce the minimum lot depth for the duplex lots from the required 100 feet for: Lot #12 to 93.96 ft., Lot #13 to 93.79 ft., Lot #14 to 93.61 ft., Lot #15 to 93.45 ft., Lot #16 to 95.34 ft., Lot #17 to 93.34 ft., and Lot #18 to 92.97 ft.

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 2.4.7(B)(5) and 4.3.1(D) of the Land Development Regulations.

Special Action Parking Reduction:

Motion made by Mr. Jacquet, seconded by Mr. Durden, and approved 5 to 0 (Mr. Glickstein and Mr. Krall absent) to approve the reduction of parking spaces required pursuant to LDR Section 4.6.9(C)(2)(c), from 173 parking spaces to 101 parking spaces (a reduction 72 spaces), based on LDR Section 4.6.9(F)(1), which allows a parking reduction upon receipt and acceptance of special documentation that demonstrates a reduced number of parking spaces will accommodate a specific use.

Conditional Use:

Motion made by Mr. Lynch, seconded by Dr. Spodak, and approved 5 to 0 (Mr. Glickstein and Mr. Krall absent) to move a recommendation of approval to the City Commission for the conditional use request to allow for a density of 13.91 dwelling units per acre for Village Square, 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(E)(5), 4.4.6(I)[Performance Standards], Article 4.7 [Family/Workforce Housing] and Chapter 3 of the Land Development Regulations, subject to the following conditions:

1. Approval of a site plan by SPRAB that is in general conformance to the submitted site plan and addresses the "Exhibit "A" - Technical Items, Landscape Technical items, CPTED technical items and conditions of approval attached in the staff report;
2. That a plat must be processed and recorded prior to issuance of a building permit;
3. That the applicant provides a southbound left turn lane at the north entrance within Auburn Avenue;
4. That perimeter fencing around Phases I and II is provided and that such fencing will be made from heavy gauge aluminum picket fencing. The fence shall be depicted on the site plan, landscape plan, and engineering plan;
5. That a typical site perimeter fence detail for Phase I and II needs to be provided before site plan certification;
6. That the use of guard gates with swing gates/control arms, and CCTV (Closed Circuit TV) at the entrances to Phase I and II from Auburn Avenue and SW 8<sup>th</sup> Street need to be provided. A note to this effect shall be included on the site plan;
7. That the entrance at SW 8<sup>th</sup> Street shall be designated as 'resident entrance only' and that residents shall use a keyless entry system while allowing all traffic to exit the site at that location;
8. That the CCTV system shall also include a competent on-site security contractor patrolling the interior of the site and monitoring the entrance(s) during nights and weekends and that a note to this effect shall be included on the site plan, landscape plan, and engineering plans;
9. That a security surveillance system with CCTV capable of night-time digital recording with 90 days of taping capacity shall be provided and that the system is to be accompanied by an annual maintenance contract; and a copy of the contract shall be provided as part of a security plan;
10. That there will be 24 hour video surveillance with day time surveillance at the dual access main gates to be monitored by the property manager which will include call-box access at the gate and that a note to this effect shall be included on the site plan, landscape plan, and engineering plans;
11. That the development is required to have CCTV monitoring coverage around each of the proposed buildings, including the rear area of each building breezeway;
12. That a security plan which verifies compliance with CPTED technical comments is provided by the applicant. Such security plan will require approval by the Police Department before issuance of a building permit and a note to this effect will be provided on the site plan.
13. That raised pedestrian cross-walks shall be provided at choke points to slow traffic throughout the various parking lots, and that chicanes must be used along the perimeter road on the south side of Phase II to slow traffic along the three block 'straight-away' street segment;
14. That two bus shelter with easements shall be provided; one along the east side of Auburn Avenue and one on 10<sup>th</sup> Street. Both bus shelters and bus shelter easements are to be depicted on the site plan. The Parking Management Specialist, Scott Aronson at (561) 243-7196 will provide the standard detail for the bus shelters;
15. That the pedestrian walkways (as passive recreation areas) as well as the areas around the playground for parent observation shall be provided with street benches, water-fountains and trash receptacles. These items shall be shown on the site plan and landscape plans;
16. That either the location of the 18 workforce housing units be clearly depicted within each building on the site plan or that the workforce housing covenant [LDR Section

- 4.7.6(a)] include a provision that complies with Section 4.7.9(o) and conveys authority to the City of Delray Beach to monitor rental of the workforce units;
17. That all required and provided setbacks be included as part of the site data table and clearly labeled and depicted on the site plan;
  18. That the required and provided percentage figure of lot coverage (LDR 40% maximum required) and open space percentage (LDR 25% minimum required) for Phase I and II be included as part of the site data table calculations;
  19. Pursuant to LDR Section 4.6.16(H)(3)(i), landscape islands which contain a minimum of seventy-five (75) square feet of plantable area, with a minimum dimension of five (5) feet, exclusive of the required curb, shall be placed at intervals of no less than one landscaped island for every ten (10) parking spaces. The portion of parking area located between Building #1 and #2 must be revised to comply with this LDR requirement;
  20. That the applicant shall revise the site data table provided to reflect the correct total number of parking spaces and the guest parking spaces provided for Phase II;
  21. That seven (7) guest parking spaces (for the duplex units) shall be provided within that portion of the site designated for Phase III which contains the duplex residential units;
  22. That a trash compactor detail depicting all screened areas, wall, and gate, be provided before site plan certification;
  23. That bicycle parking facilities (a 5 space bike rack) shall be provided in close proximity to the main entrance of each multi-family building for visitors and residents;
  24. That a kid's zone, with a play-ground and tot lot area appropriate for toddlers shall be provided around the clubhouse area;
  25. That the proposed pool shall include a pool shower and pool furniture;
  26. That the portion of Auburn Avenue between SW 7<sup>th</sup> Street and SW 8<sup>th</sup> Street including a five foot (5') wide sidewalk easement shall be dedicated and executed as part of the plat;
  27. That an inbound left-turn lane must be provided along Auburn Avenue and shall be depicted on the site plan, landscape plan, and engineering plans before site plan certification;
  28. That the current restricted access around most of the block along SW 8<sup>th</sup> Street shall be removed during the re-platting process and shall be noted on the proposed development plans;
  29. That no amendments to the Workforce Housing covenants shall be made unless by written instrument approved by the City;
  30. That the developer shall coordinate with the Community Improvement Department on renter eligibility for the workforce units, and that the applicant shall coordinate with the Community Improvement Department on renter/buyer eligibility and housing prices and rents to be paid; and;
  31. That in the event the workforce housing units are sold this must be done in accordance with Article 4.7.7;
  32. That the Home Owner's Association documents contain a prohibition on the parking of vehicles within the interior street system and that a copy of such document be provided to the City;
  33. That the applicant shall provide a copy of an Executed Restrictive Covenant, as submitted to the PBC School District, indicating that 84 units will be age restricted for adults only before site plan certification.

V. PLANNING AND IMPLEMENTATION ITEMS

- A. Consideration of amendments to the Community Redevelopment Agency (CRA) Plan.  
THE ABOVE ITEM HAS BEEN POSTPONED PER THE APPLICANT'S REQUEST.

VI. REPORTS AND COMMENTS

A. Board Members

- Parking Management Advisory Board (PMAB) – Mark Krall (absent)
- Appointment to the Parking Management Advisory Board (PMAB) Liaison

Motion:

Motion made by Dr. Spodak, seconded by Mr. Lynch, and approved 5 to 0 (Mr. Glickstein and Mr. Krall absent) to move a recommendation to reelect Mr. Krall liaison to the Parking Management Advisory Board.

B. Staff

Meeting Dates for August

City Commission Meetings

Tuesday, August 2, 2011, City Commission Regular Meeting, 6:00 p.m., City Commission Chambers

Tuesday, August 16, 2011, City Commission Regular Meeting, 6:00 p.m., City Commission Chambers

Planning and Zoning Meeting

Monday, August 15, 2011, Planning and Zoning Board Regular Meeting, 6:00 p.m., City Commission Chambers:

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1. Final subdivision plat to allow the creation of three single family lots for Little Wood Estates, located at the south end of NW 1<sup>st</sup> Avenue, between Woods Lane and Trinity Lutheran Church.
2. Conditional use modification to allow the conversion of two existing repair/service bays to facilitate the expansion of the existing convenience store for Gasland Convenience Store Expansion, located at the southwest corner of NE 5<sup>th</sup> Avenue and NE 4<sup>th</sup> Street.
3. Abandonment of a portion of Dixie Highway adjacent to the Del Raton RV Park, located north of Lindell Boulevard, between Federal Highway and Dixie Highway.
4. Consideration of amendments to the Community Redevelopment Agency (CRA) Plan 2011.

- Project Updates - none

A. Board Members - none

Ms. Pyburn, Assistant City Attorney, discussed the Palm Beach County Ethics guidelines that went into effect on June 1, 2011.

VII. ADJOURN

The meeting adjourned at 9:30 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 18, 2011 which was formally adopted and approved by the Board on August 15, 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.