

MINUTES OF THE PLANNING AND ZONING BOARD

PUBLIC HEARING/REGULAR MEETING

CITY OF DELRAY BEACH
DELRAY BEACH, FLORIDA

MEETING DATE: March 18, 2013

LOCATION: Commission Chambers

MEMBERS PRESENT: Connor Lynch, Thuy Shutt , Craig Spodak and Gerry Franciosa

MEMBERS ABSENT: Derline Pierre-Louis, Jan Hansen, Clifford Durden

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

I. CALL TO ORDER:

The meeting was called to order by the Chair, Mr. Lynch at 6:05 p.m. Upon roll call it was determined that a quorum was present.

II. MINUTES:

Motion made by Mr. Franciosa, seconded by Dr. Spodak, and approved 4-0 to move approval of the November 19, 2012 minutes as written.

Chair Mr. Lynch read the Quasi-Judicial Rules for the City of Delray Beach and Ms. Miller swore in all who wished to give testimony on any agenda item.

III. COMMENTS FROM THE PUBLIC – None

IV. PRESENTATIONS

Presentation by Elayna Toby Singer is postponed until the April 15th meeting.

IV. LAND USE ITEMS:

A.Final Subdivision plat for Southwest 11th Street Holdings LLC Plat, a proposed industrial subdivision, located at the northeast corner of SW 10th Avenue and SW 11th Street. Quasi-judicial Hearing.

Ex-Parte Communications – None

Mr. Dorling entered project file No. 2013-92 into the record. This is one of three plats that will be presented today. The subject property is located within the Wallace Drive Overlay District. The Wallace Drive Redevelopment Plan was adopted by the City Commission on January 6, 2004. The Plan encourages the development of light industrial, limited commercial and office uses in an urban setting. At its meeting of February 3, 2004, the City Commission approved a text amendment to LDR Section 4.4.26 (Light Industrial zoning district) in accordance with the creation of the Wallace Drive Overlay District associated with the Wallace Drive Redevelopment

Plan. On February 27, 2013, the Site Plan Review and Appearance Board approved a Class V Site Plan, Landscape Plan and Architectural Elevations to construct a new 3,000 sq. ft. office/warehouse building with two tenant bays of 1,500 sq. ft. each on the subject property. The approval also included the construction of five research and development pools (three above-ground pools and two in-ground pools) located at the rear of the proposed building on the east side of the property. The purpose of the pools is to test and demonstrate the performance of automated pool cleaning equipment on different pool shapes.

The replat will subdivide the subject property into (3) tracts. Tract "A", the development parcel, will contain the building, pools and parking lot for the new project. Tract "Z-1" is a dedication of 10 feet of additional right-of-way for SW 10th Avenue and Tract "Z-2" is a dedication of 5 feet of additional right-of-way for SW 9th Avenue. Both of these right-of-ways are being dedicated by this plat

The plat includes two 12 foot drainage easements to accommodate exfiltration in the parking lot and in the pool area. There are also two foot sidewalk easements located in two areas along SW 11th Street which allow shifting the sidewalk to the north to accommodate drainage catch basins on the north side of the roadway.

Required findings are 3.1.1 of the Land Development Regulations and we are recommending approval subject to technical items that are contained in Appendix B. Those items would need to be addressed before City Commission Meeting.

COURTESY NOTICE

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

- Neighborhood Advisory Council
- Delray Citizen's Coalition
- Groves of Delray
- Delray Beach Heights
- Southridge
- Southridge Village
- Woods of Southridge

Applicants Presentation

Jeff Hodapp – Perimeter Surveying – Mr. Hodapp is in agreement with the staff report and is here to answer any questions for staff.

Public Comments – None

Board Discussion – None

Motion/Findings

Move a recommendation of approval to the City Commission of the Preliminary Plat and certification of the Final Plat for the **Southwest 11th Street Holdings LLC**, by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in Section 2.4.5(J) (Major Subdivisions), Section 3.2.3 (Standards for Site Plan and/or Plat Actions) and Section 3.1.1

(Required Findings for Land Use and Land Development Applications) of the Land Development Regulations, subject to the following condition:

1. That all comments under the “Technical Items” section (Appendix “B”) of the report be addressed prior to scheduling the plat for City Commission action.

Motion by Mr. Francisco and seconded by Dr. Spodak. Said motion approved 4-0. No dissenting votes.

Mr. Lynch asked at this time is there any board member that would need to step down from any item? – None.

Final subdivision plat for Sofa Building 1, a proposed multiple family development containing 117 rental units, located on the east side of SE 3rd Avenue, between SE 1st Street and SE 2nd Street. Quasi-judicial Hearing

Exparte Communications – None

Mr. Dorling entered project file No. 2013-61 into the record. The item before the Board is that of approval of a preliminary plat and certification of a final plat for a new multiple-family residential development being platted as **Sofa Delray One**. The subject property is located on the east side of SE 3rd Avenue, between SE 1st Street and SE 2nd Street and is bordered on the east by an existing north-south 16’ alley.

The northernmost property (310 SE 1st Street) is 0.48 acres and contains a 10,528 sq. ft. office building which was constructed in 1950. The property immediately to the south is 0.30 acres and contains an existing parking lot also constructed in 1950 in conjunction with the offices at 310 SE 1st Street. The parking lot parcel is subject to an “Easement, Use, Maintenance and Declaration Agreement” which provides an access easement over the southern parking lot aisle and the use of 5 parking spaces to the property east of the alley (120 SE 4th Avenue).

On December 19, 2012, the Site Plan Review and Appearance Board approved a Class V Site Plan, Landscape Plan and Architectural Elevations to construct a one hundred seventeen (117) unit, four (4) story multi-family residential building with a two hundred and one (201) space parking garage on the ground level.

The replat will subdivide the subject property into (3) tracts. Tract “A”, the development parcel, will contain the residential and parking facilities for the new project. Tract “B” is a dedication of 5 feet of additional right-of-way for a portion of SE 3rd Avenue, 2.5 feet of additional right-of-way for SE 1st Street, and 2 feet of additional right-of-way for the north-south alley located along the east side of the property. Tract “C” is a dedication of 5 feet of additional right-of-way for an additional portion of SE 3rd Avenue. These dedications, which also include corner-clips, are being dedicated by this plat.

The plat includes a ten foot drainage easement system which will accommodate exfiltration under the parking garage on the ground floor. A one foot sidewalk easement on the east side of SE 3rd Avenue is being dedicated to allow expansion of the 5’ sidewalk to 6’. A 6.5’ x 10’ water easement is being dedicated at the southeast corner of the property and a 10’ x 10’ utility easement is being dedicated along the alley at the north end of the property for FPL.

Required findings are 3.1.1 of the Land Development Regulations and we are recommending approval subject to technical items that are contained in Appendix B. Those items would need

to be addressed before City Commission Meeting. There are two corrections to Appendix B, to address Engineering issues. Staff recommends that the following changes be made on page 8 of the staff report:

Modify item number 2 to read as follows:

2. Confirm with FPL if they want the easement called FPL easement or U.E. Also, confirm whether the dedication language is acceptable to FPL and provide correspondence of such.

Add item number 8 to read as follows:

8. Confirm dimension and orientation of water easement at intersection of alley and SE 2nd Street. Revise all plans to match.

Applicant Presentation

Troy Townsands – Public Consultants – We have reviewed the staff comments and the addendum, we agree with them and will follow them.

Public Comments None

Board Discussion

Ms. Shutt asked if this Sofa was near the Kevro's?

Mr. Dorling said this one is near the old Bellsouth building.

Motion/Findings

Move a recommendation of approval to the City Commission of the Preliminary Plat and certification of the Final Plat for the **Sofa Delray One**, by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in Section 2.4.5(J) (Major Subdivisions), Section 3.2.3 (Standards for Site Plan and/or Plat Actions) and Section 3.1.1 (Required Findings for Land Use and Land Development Applications) of the Land Development Regulations, subject to the following condition:

2. That all comments under the "Technical Items" section (Appendix "B") of the report be addressed prior to scheduling the plat for City Commission action.

Modify item number 2 to read as follows:

2. Confirm with FPL if they want the easement called FPL easement or U.E. Also, confirm whether the dedication language is acceptable to FPL and provide correspondence of such.

Add item number 8 read as follows:

8. Confirm dimension and orientation of water easement at intersection of alley and SE 2nd Street. Revise all plans to match.

Motion by Ms. Shutt and seconded by Mr. Franciosa. Said motion approved 4-0. No dissenting votes.

C.Final subdivision plat for Sofa Building 2, a proposed multiple family development containing 55 rental units, located on the west side of SE 2nd Avenue, between SE 1st Street and SE 2nd Street. Quasi-judicial Hearing

Exparte Communication – None

Mr. Dorling entered project file No. 2013-62 into the record. The item before the Board is that of approval of a preliminary plat and certification of a final plat for a new multiple-family residential development being platted as **Sofa Delray Two**. The subject property is located on the west side of SE 2nd Avenue, approximately 80' south of SE 1st Street.

The subject property, which is zoned CBD (Central Business District), comprises a 0.85 acre site which combines three (3) separate parcels. Former development on the properties includes a one-story 4,410 sq. ft. retail store building, built in 1962; a 5,508 sq. ft. warehouse distribution facility, built in 1959; and a one-story 1,440 sq. ft. warehouse structure, built in 1961. All three structures were demolished in 2006, and thus, the site is currently vacant.

On December 19, 2012, the Site Plan Review and Appearance Board approved a Class V Site Plan, Landscape Plan and Architectural Elevations to construct a fifty-five (55) unit, four (4) story multi-family residential building with a ninety-eight (98) space parking garage on the ground level.

Required findings are 3.1.1 of the Land Development Regulations and we are recommending approval subject to technical items that are contained in Appendix B. Those items would need to be addressed before City Commission Meeting. There are two corrections to Appendix B, to address Engineering issues. Staff recommends that the following changes be made on page 8 of the staff report:

Modify item number 2 to read as follows:

2. Confirm with FPL if they want the easement called FPL easement or U.E. Also, confirm whether the dedication language is acceptable to FPL and provide correspondence of such.

Add item number 8 read as follows:

8. Confirm dimension and orientation of water easement at intersection of alley and SE 2nd Street. Revise all plans to match.

Courtesy Notices:

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

- Neighborhood Advisory Council
- Delray Citizen's Coalition

Letters of objection or support, if any, will be presented at the Planning and Zoning Board meeting.

Motion/Findings

Move a recommendation of approval to the City Commission of the Preliminary Plat and certification of the Final Plat for the **Sofa Delray Two**, by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive

Plan and meets criteria set forth in Section 2.4.5(J) (Major Subdivisions), Section 3.2.3 (Standards for Site Plan and/or Plat Actions) and Section 3.1.1 (Required Findings for Land Use and Land Development Applications) of the Land Development Regulations, subject to the following condition:

That all comments under the “Technical Items” section (Appendix “B”) of the report be addressed prior to scheduling the plat for City Commission action.

Modify item number 2 to read as follows:

2. Confirm with FPL if they want the easement called FPL easement or U.E. Also, confirm whether the dedication language is acceptable to FPL and provide correspondence of such.

Add item number 8 read as follows:

8. Confirm dimension and orientation of water easement at intersection of alley and SE 2nd Street. Revise all plans to match.

Motion by Dr. Spodak and seconded by Mr. Franciosa. Said motion approved 4-0. No dissenting votes.

VI. Public Hearing Items

A. Privately initiated Future Land Use Map amendment – small scale from MD (Medium Density Residential 5-12 du/ac) to GC (General Commercial) and rezoning from RM (Medium Density Residential) to GC (General Commercial) for **MD Now Delray Beach**, located on the north side of Linton Boulevard, west of SW 4th Avenue, 601 Linton Boulevard. Quasi-judicial Hearing

Exparte Communication – None

Mr. McDonnell entered project file No. 2013-096 CCA into the record. This is a privately-initiated Future Land Use Map (FLUM) amendment and rezoning amendment located on the north side of Linton Boulevard, 660 feet west of SW 4th Avenue. Recently approved is the property called Lintco, a commercial development. The proposed request includes changing the existing FLUM designation from MD (Medium Density Residential 6-12 du/ac) to GC (General Commercial) and rezoning from RM (Medium Density residential) to GC (General Commercial). The property contains 0.49 acres with an existing dwelling. We have a current site plan of the property to construct a medical office building measuring 4,795 sq.ft. with associated parking. Concurrency as defined pursuant to Objective B-2 of the future Land Use Element of the Comprehensive Plan must be met, and the sewer service is not readily available and must also be met. There is an analysis of the surrounding land uses, and a need for land use change, and it meets the requirements for the rezoning, namely that there has been a change in circumstances.

Courtesy Notices: A special courtesy notice was provided to the following homeowners associations:

- Neighborhood Advisory Council
- Delray Citizens’ Coalition
- Linton Ridge
- Southridge
- Southridge Village
- The Vinings

Staff looks for recommendation to the City Commission.

Mr. Lynch asked that the property just north is this deeded separately?

Mr. McDonnell replied that this is part of the Lintco property.

Applicant Presentation

Christopher Barry – Jon E. Schmidt & Associates – I am here representing the applicant and to answer any questions you might have.

Public Comments – None

Board Discussion

Dr. Spodak asked Mr. McDonnell if there was a site plan for this property?

Mr. McDonnell said that this site plan was not really relevant for the land use and the rezoning. We just so happened to have a concurrent site plan with this application.

Dr. Spodak asked if this will fulfill all the required parking?

Mr. McDonnell said that they have 21 spaces for required parking and it is all going through the review process right now.

Mr. Francisco said that he was happy to see that something was happening with this property, because being on the code enforcement board he would see something coming through every month.

Motion /Findings

Move a recommendation of **approval** to the City Commission for the request for rezoning from RM (Medium Density Residential) to GC (General Commercial) and a Future Land Use Map amendment from MD (Residential Medium Density 5-12 du/ac) to GC (General Commercial) for the subject property, 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 the criteria set forth in Sections 2.4.5(D)(5), 3.1.1 and 3.2.2 of the Land Development Regulations.

Motion by Dr. Spodak and seconded by Ms. Shutt. Said motion approved 4-0. No dissenting votes.

B.Conditional use request to permit Breathe Restaurant to operate past the hour of 12:00 a.m. and no later than 2:00 a.m. seven days per week, the restaurant occupies a tenant bay within the Atlantic Grove mixed-use development, located on the north side of West Atlantic Avenue between NW 4th and 5th Avenues. Quasi-judicial Hearing

Exparte Communication – None

Mr. Dorling entered project file No. 2013-103 into the record. This is a conditional use request for Breathe Restaurant to extend the hours of operations from the current 12:00a.m. to 2:00a.m. Atlantic Grove is a mixed-use development completed in 2003 which includes commercial,

office, residential, and townhouse uses within the entire development. The commercial uses are located on the ground floor of the three-story buildings fronting West Atlantic Avenue from NW 3rd Avenue to NW 5th Avenue.

Regarding the subject tenant space, a letter was sent to the business owner or representative of “Saki Room” in October 2005 to indicate that Conditional Use approval would be required in order to operate past midnight as the property was determined to be within 300’ of residentially zoned property. In July 2006, a Conditional Use request was submitted to the Planning and Zoning Department for the “Saki Room” restaurant for the aforementioned reason. However, the application materials were insufficient and the application was not further processed.

In October 2011, “Breathe” was established in the “Saki Room” space when a Business Tax Receipt was granted by the City. The use listed on the license was “restaurant.”

It was recently discovered that the “restaurant” was operating until 2am without Conditional Use approval which was required since the property is within 300’ of residentially-zoned property, as required by LDR Section 4.3.3(VV)(2)(a). A map which illustrates the 300’ radius from both the property line and tenant space is attached. Therefore, the item before the Board is a conditional use request to allow Breathe to operate past the hour of 12:00 a.m. and no later than 2:00 a.m. “on busy nights of the week.” The “restaurant” would like to extend the operating hours to 2:00 a.m. seven days per week. No modifications to the foot print of the existing space or alterations to the exterior architectural elevations of the building are proposed.

“Breathe” is licensed and approved to operate as a restaurant. However, research of both the business website and social media page, shows an emphasis on the “bar” use, as opposed to dining. In addition, an employee of the business recently indicated that food is not served past 10p.m., “but is limited to a few items after the dinner rush” as stated on the social media page. Further, an event flier for Saturday, March 9, 2012, posted on the business website indicates that the “doors open at 8p.m. – 4a.m.,” Stand-alone bars are permitted as a Conditional Use. When they are located within 300’ of residentially zoned property, however, they are not permitted within 750’ of an established stand-alone bar.

Some other concerns are outlined in the security plan. The submitted Security Plan states that “the restaurant currently has four security personal (sic) roaming the premise and two security persons at the front door checking IDs. The restaurant serves alcoholic beverages and provides either hand stamps or wrist bands to monitor patrons under the age of 21. For busy events the owner hires local off duty police officers to work security detail. This security plan is currently in use and has been sufficient to protect the health and safety of the restaurant patrons.” This security plan would appear unusual for a restaurant operation and is more akin to a night club operation which is prohibited at this location. There are some concerns as to what you see on the website in regards to music, cover charges, and wrist bands. All these things relate to something other than a “restaurant”.

A correction on the police report is that the number of calls that were reported was actually only 12 that could have been potential crimes. Also that they were cited for serving alcohol after 2am, and that was investigated and it was not true.

Mr. Francisco asked if all these calls were for this restaurant.

Mr. Dorling explained that the total calls were for the entire building.

Mr. Francisco asked how many of the total calls were for this restaurant.

Mr. Dorling said that there were (2) police officers present for this meeting and any questions of this type can be directed to them.

This project did go before the following committees:

The Downtown Development Authority (DDA) considered the subject request at its March 11, 2013 meeting, when a recommendation of approval was made noting that tenants in the building have raised concerns that the rear parking lot is too dim, and should be addressed to provide lighting levels that are perceived to create a safer feel.

The West Atlantic Redevelopment Coalition (WARC) considered the subject request at its March 13, 2013 meeting; the Board did not express any specific concerns with the request.

The Community Redevelopment Agency (CRA) considered the subject request at its March 14, 2013 meeting, when the consensus was to recommend approval subject to a vote of approval by the Condo Board and meeting the conditions of approval in the P&Z Board Staff Report, including they show that they are a restaurant.

The Historic Preservation Board (HPB) will consider the subject request at its March 18, 2013 meeting, when a recommendation to the City Commission will be made.

Courtesy notices were sent to the Neighborhood Advisory Council, Delray Citizen's Coalition, and the West Settlers HOA.

With this, if the applicant agrees with the conditions set forth, we will recommend approval.

Applicant Presentation

Jay Huebner – HSQ Group, Inc.

All this came about by a citation that was issued for staying open to 2am. They have accommodated the request of security. There are no outdoor speakers or live music, only DJ. We are here to answer any questions.

Public Comments

Amjad Hammad – 401 W. Atlantic – Applicant – I went to the condo association board and they all approved this request. I feel that what is happening is unfair because when I bought the building, I kept the same concept as the Saki Room, but different kinds of foods. The former place was opened till 2am in the morning and when I applied for my occupational license it said on the license that I would be open from 11-2am. Everything that is being done right now should have been done before I invested money into this place. I will comply with what you want me to do, but this is a losing business. I feel that being here today is something personal to me.

Eameel McLane – 129 SE 7th Avenue – We are residents of Delray Beach and we go to Breathe often. We like the menu and we eat all hours of the night and enjoy the restaurant.

Irene Lammersdorf – 120 NW 4th Avenue – I have been there before, but the music and dancing was vulgar and could not think of staying there. This is not the place that I would want in our town. I want things to improve.

Julie Benjamin – 107 NW 4th Avenue – We have seen a lot more people drinking and hanging out and do not know why it has to be opened till 2am in this area.

Amjad Hammad – Owner – (Rebuttal) – Mr. Hammad wanted to reiterate that we are having no problems at this restaurant and would like you to hear this from the police officers.

Mr. Dorling wants to let you know that in the staff report, mention is made that the previous ‘use’ in that space was also required to submit a conditional Use request. The current owner has chosen not to continue it. Now, with the owner knowing this and still choosing to do business until 2am, I would say that they have gotten away with this for 3/years. This is a requirement, there is nothing personal, it was required when it was Saki, and it is required now.

Mr. Francios asked if the restaurant is opened till 2am now?

Mr. Dorling said that yes the restaurant was found to be opened till 2am, and it was brought to his attention that it was not approved for that and you need to come through the process. What he has been doing since he submitted it, I do not know.

Board Discussion

Dr. Spodak asked if the officers would speak and give some information on what they have seen with the Breathe Restaurant and particularly has the restaurant been a drain on the police force.

Officer Brotz – Clean & Safe Department – The officer said that actually this has not been an issue whatsoever, and everything that has been asked of Mr. Hammad, he has been accommodating. The number of calls coming for this building, only a small percentage was for the restaurant.

Dr. Spodak asked the officer if the restaurant is to stay open till 2am, do you foresee any additional drain on the force.

Officer Brotz said that no he does not foresee any additional problems.

Mr. Franciosa asked Mr. Dorling if there is a noise ordinance.

Terrill Pyburn (Asst. City Attorney) commented that a noise ordinance was passed last year or near the end of the year, and they are in the process of amending it.

Ms. Shutt asked the applicant about his restaurant license and wanted to know what kind.

Mr. Hammad stated that he was not sure about his license; he knows that he can serve food and liquor at the same time.

Ms. Shutt informed Mr. Hammad that you have a full COP. Also, Ms. Shutt asked if he could explain your security plan as the club allows under age people to enjoy their food and drinks.

Mr. Hammad said drinking would be for 18yrs and up, but we are trying to get away from this. What we do is put an ‘X’ on peoples hand to show that they are 21yrs. and older.

Ms. Shutt also asked that if Mr. Hammad gets this approval, you will be ending at 2am. and all your promotional material will reflect the closing time.

Mr. Hammad explained that this was a one time error written on their material.

Kevin Bollask – 214 SW 11th Avenue – He wanted to make a public comment that he is a frequent visitor and it is a nice club. (He specifically speaks of this place as a “CLUB”)

Ms. Shutt interrupted to make sure we are speaking of this place as a ‘restaurant’ NOT A CLUB.

Mr. Lynch asked Mr. Dorling, under the ‘Alternative Actions’, Recommended approval, B5, does staff mean any music, like DJ’s included, or just live music.

Mr. Dorling said that I think we differ on the definition on live music. I would suggest that you consider the DJ issue as being live music whereas this is a restaurant, anything after midnight is consider live music and should not be part of what is going on.

Motion/Findings

Recommend approval to the City Commission of the conditional use request for a 24-hour or late night business to operate at Breathe, 401 West Atlantic Avenue, based upon positive findings with respect to Chapter 3 (Performance Standards), Section 2.4.5(E)(5) (Required Findings), and Section 4.3.3(VV)(2)(c) (24-Hour or Late Night Business Findings) of the Land Development Regulations, and consistency with Housing Element Policy A-11.3, subject to conditions:

1. That a CCTV or camera is installed both outside and inside, with a revised floor plan and site plan indicating their locations;
2. That confirmation that security will patrol until 3:00 a.m. be provided;
3. That confirmation be provided by the applicant that the consumption of alcoholic beverages on the premises after 2:00 a.m. is prohibited;
4. That no music or outdoor speakers will be allowed outside the building or tenant space;
5. That any live music will stop by midnight, on all nights of the week; and,
6. That the owner provides sufficient evidence that “Breathe” operates as a restaurant and meets the definition of restaurant, during all hours of operation, prior to consideration of the request by the City Commission.

Motion by Mr. Franciosa and seconded by Ms. Shutt. Said motion approved 3-1. Dissenting vote by Ms. Shutt.

Ms. Shutt withdrew her second to the motion.

Motion by Mr. Franciosa and seconded by Dr. Spodak. Said motion approved 3-1. Dissenting vote by Ms. Shutt.

Terrill Pyburn – Ms. Pyburn brought order to the meeting and put on the record that this item was recommended for approval to the City Commission, and it still needs to be approved by the City Commission to be final.

C.City-initiated amendment to the Land Development Regulations to Sections 4.4.13(G)(1)(a) and 4.4.13(G)(2)(c), Central Business District, pertaining to the parking the requirement for call centers.

Exparte Communication - None

The item before the Board is to make a recommendation to the City Commission regarding a city-initiated amendment to Land Development Regulations (LDRs) that will require the same parking requirement for call centers located in the CBD commensurate with those allowed elsewhere throughout the city.

On June 20, 2011, the Planning and Zoning Board recommended approval of an amendment that added a definition for Call Center, and assigned a ratio of two (2) spaces per 1,000 s. ft. of gross floor area, plus one (1) space per work station as shown on the related floor plan. Ordinance 22-11 was subsequently adopted by the City Commission on July 19, 2011. The amendment was processed because such uses were known to house an increased number of employees in smaller office spaces (cubicles) than more typical office uses. Call centers can fit as many as eight (8) or more agents per 1,000 sq. ft., where a conventional office has an average of four (4) employees per 1,000 sq. ft. Where these facilities have opened up, it has become clear that the conventional office use parking requirement that existed was inadequate.

When the initial amendment for Call Centers was processed, the requirement did not apply to all areas of the CBD. For example, in the Central Core of the CBD, minimum required parking in the area bounded by Swinton Ave to the west, North 2nd Street and South Second Street to the north and south, respectively, and the ICW to the east, is one (1) space per 300 sq. ft. of gross floor area, except for restaurants, hotels and motels, and business and professional offices. The same situation occurs in the West Atlantic Overlay District, where call centers have the same one (1) space per 300 sq. ft. of gross floor area. In each of these areas, call centers were not added to the list of uses that are to be considered under higher requirements. Given the intensity of this type of use it should have been, and this amendment addresses this.

Mr. Lynch asked is this because the Call Centers are defined in the LDR's? Is this why they have to be classified separately?

Mr. McDonnell replied with yes they have to be classified separately.

Board Comments None

Public Comments None

A. Move a recommendation of approval to the City Commission of the amendment to Land Development Regulations, **Section 4.4.13(G) "Supplemental District Regulations", Subsections (1) And (2), To Apply The Same Parking Requirement For Call Centers In the CBD As They Are Required Throughout The City**, by adopting the findings of fact and law contained in the staff report, and finding that the text amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M)

Motion by Mr. Francisco and seconded by Ms. Shutt. Said motion approved 4-0. No dissenting votes.

VI.Reports and Comments

A.Parking Management Advisory Board – Increase on parking backing up on 2nd Avenue all the way to Atlantic. We are going to Commission on March 19th to discuss this issue.

B.Meeting Dates:

April 15, 2013 City Commission Chambers.

Public Arts Presentation
Ally abandonment associated with the Fairfield Inn
Plat for Gulfstream Villas
Conditional Use for density for Uptown Delray
Condition Use for a church in Congress Square.

Adjourned: 7:30pm

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 March 18, 2013 which were formally adopted and approved by the Board on May 20, 2013.

Diane Miller

Diane Miller, Executive Assistant

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