

MINUTES OF THE PLANNING AND ZONING BOARD

PUBLIC HEARING/REGULAR MEETING

CITY OF DELRAY BEACH
DELRAY BEACH, FLORIDA

MEETING DATE: December 16, 2013

LOCATION: City Commission Chambers

MEMBERS PRESENT: Gerald Franciosa, Derline Pierre-Louis, Clifford Durden, Christopher Davey, Jordana Jarjura, Dr. Craig Spodak, Thuy Shutt

MEMBERS ABSENT: None

STAFF PRESENT: Mark McDonnell, Janice Rustin (Asst. City Attorney) and Diane Miller

I. **CALL TO ORDER:**

The meeting was called to order by Dr. Craig Spodak, Chairman at 6:04 p.m. Upon roll call it was determined that a quorum was present.

Change in agenda items. Items V.B and V.C have been requested by the applicant to have these items be deferred to January 27, 2014 meeting.

Motion made to defer items V.B and V.C to January 27, 2014 meeting by Clifford Durden, seconded by Thuy Shutt and approved 7-0.

II. **MINUTES:**

Motion made by Mr. Gerald Franciosa, seconded by Ms. Thuy Shutt, and approved 7-0 with discussion and corrections and to move approval of the October 21, 2013 minutes.

Chair Dr. Craig Spodak 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** (*Comments on items that are not on the Agenda will be taken immediately prior to Public Hearing Items.*)

Jim Knight – 10 SE 1st Avenue – Human Power Delray was started by Dr. Craig Spodak, Jim Smith and others here in Delray and it is all about making things walkability, connecting sidewalks and doing a lot of great things here in the City.

Dr. Victor Kirson – President of Tierra Verde, Delray Beach – We have a very intelligent panel here, but we have 2 or 3 people that say the same thing and if we could just say that we agree then we don't have to spend all night here.

IV. LAND USE ITEMS

A..Final subdivision plat approval for The Grove at Lake Ida associated with replatting a 4-lot subdivision into seven single family lots, located at the intersection of NW 3rd Avenue, NW 12th Street and Grove Way. (Continued From November 18, 2013) Quasi-judicial Hearing

Exparte Communication

Dr. Craig Spodak – I know the applicant and I have friends that live in the area.

Jordana Jarjura – I know the applicant and I have friends that live in the area.

Mark McDonnell entered project file No. 2014-007 SF FPCCA into the record.

This project before you is the Grove at Lake Ida and we are here to make a recommendation for approval of the preliminary plat and certification of the final plat. The property is 1.78 acre and the development will consist of 7 single family new lots.

Mr. Durden and Ms. Shutt were absent for the last meeting and I will bring you up to date on the project. This proposal was presented before the Planning and Zoning Board at their November 18, 2013 meeting. Several members of the public spoke with concerns regarding the number of lots and traffic impacts and safety. The item was tabled by a 5 to 0 vote, with the applicant instructed to reach out to the neighbors to hear their concerns. It was communicated to staff that a meeting between the applicant and the neighbors was held.

Prior to the approval of the plat for Maison Delray earlier this year, the property consisted of 6 lots and portions of abandoned alley and road rights-of-way within two platted subdivisions— The Grove (Plat Book 20, Page 92) and Ida Lake Terrace (Plat Book 22, Page 39). Even though the property had 6 platted lots, it had previously been developed with only one house. While, the Maison Delray replat sought to retain the existing house on a large lot within the new subdivision, the current proposal is to remove the existing house and shift the lot lines to allow for 7 single-family lots.

The resulting use of land or structures must be allowed in the zoning district within which the land is situated and said zoning must be consistent with the applicable land use designation as shown on the Future Land Use Map.

The subject property has a Future Land Use Map designation of LD (Residential- Low Density, 0-5 du/ac) and is zoned R-1-AA (Single Family Residential). Pursuant to the Land Use Designation/Zoning Matrix (Table L-7, Future Land Use Element), the R-1-AA zoning district is consistent with the LD Land Use Map Designation. Based upon the above, it is appropriate to make a positive finding with respect to consistency with the Future Land Use Map designation.

Concerning streets and traffic, no internal street system is proposed with this development, as direct access is available from the surrounding roadways. The proposed development will generate at total of (70) daily trips, (5) AM peak hour trips and (10) PM peak hour trips. This impact is minimal and no further analysis of residential projects that generate 20 or fewer peak hour trips is required.

A school concurrency determination has not yet been received from the Palm Beach County School District. A positive finding is required prior to approval of the plat by the City Commission and this has been included in the list of technical items that need to be addressed before the plat can advance to the City Commission.

The replat will result in lots smaller than those on the current plat. The proposed lots are consistent in size with existing lots in the neighborhood, which contains a variety of lot sizes, both larger and smaller than those proposed. As shown on the following table, all seven lots will meet or exceed the minimum lot dimension requirements in Section 4.3.4(K), "Development Standards Matrix" for the Single-Family Residential (R-1-AA) zoning district.

<u>Lot Size</u>	<u>(Square Feet)</u>	<u>Lot Width Interior/Corner</u>	<u>Lot Depth</u>	<u>Lot Frontage (Interior/Corner)</u>
<i>Minimum Required</i>	9,500	75'/95'	100'	75'/95'
<i>Proposed Lot 1 (Corner Lot)</i>	12,934	107'	115'	205.4
<i>Proposed Lot 2</i>	10,363	75'	136.7	75'
<i>Proposed Lot 3</i>	10,978	75'	145.8	75'
<i>Proposed Lot 4</i>	11,002	75'	146.8	75'
<i>Proposed Lot 5 (Corner Lot)</i>	10,436	98'	105'	183.8
<i>Proposed Lot 6</i>	10,353	75'	136.5	75'
<i>Proposed Lot 7</i>	11,390	75'	150.6	75'

The proposal to replat the subject property into seven (7) single-family lots is consistent with the Zoning and Future Land Use Map designation for the area. The proposed lots are consistent in size with those in the neighborhood; and the development of the subject property is proposed in a manner appropriate and complementary to the adjacent single-family residential development throughout the neighborhood.

The staff recommends approval to the City Commission of the Preliminary Plat and certification of the Final Plat for **The Grove at Lake Ida**.

Applicant Presentation

Steve Wherry – Representing the applicant Seaside Builders.

I would like to request 10 additional minutes to present my case. Dr. Spodak confirmed that Mr. Wherry would like 20 mins. total to present his case.

Gerald Franciosa made a motion that the applicant be given 20 minutes to present his case and it was seconded it by Jordana Jarjura. All were in favor.

Janice Rustin (Asst. City Attorney) said she would rather grant 5 extra minutes due to the fact of the number of people present from the public that will be speaking.

The motion was amended and seconded by Derline Pierre-Louis.

Mr. Wherry started his presentation by saying that the staff has just presented their report and the contents which we agree fully. On November 18, 2013 this project was deferred to tonight's meeting so that we could make arrangements to sit down and meet with the neighbors which was held on December 4th. In arranging for that meeting we put together a flyer that was distributed to the neighborhoods mailboxes. We had about 50 neighborhood residents come

out and meet with us and through this meeting we made some commitments to alter the concept and improve the overall plan. This property is zoned R-1-AA which is a single family zoning district and it lies within the Lake Ida Overlay District. What we are seeking is to obtain a finding that our request is consistent with the city's code for obtaining a recommendation of approval.

In regards to the staff report, it was looked at and what was found was the proposed re-plat is consistent with the zoning and the land use in the area, that the proposed lots are consistent in size with others in the neighborhood, that the development of the property is appropriate and complementary the single family homes adjacent property and the board can make positive findings in regards to the LDR 2.4.5(J) and 3.1.1 and 3.2.3.

Regarding the criteria that needs to be met, the first one is the Future Land Use Map, 3.1.1 A. and Mr. Wherry read this code. We have already identified that this property is zoned R-1-AA zoning district and it is allowed LD residential Low Density land use designation. In section 3.1.1.B, this pertains to concurrency and Mr. Wherry read the code. Facilities that should be provided are Water and Sewer, Drainage, Street & Traffic, Parks & Recreation, Solid Waste and Schools. To address these items, Water and Sewer service is available, Drainage will be provided entirely on site, no internal Streets and Traffic is proposed as direct access is available from surrounding roads, Parks and Recreation, \$3500 will be collected for a park impact fee and will be collected before permit is issued, Solid Waste, there is sufficient waste capacity, Schools, we have not heard as of yet any concurrency from the school district.

Craig Spodak asked if anyone has applied for party status – None.

Public Comments

Mckenzie Montazemi – LIPOA, President – 601 NW 11th Street - When we attended the meeting with Seaside Builders at Northern Trust Bank, we had asked for a few changes and these changes have been made. They have agreed to bring two of the homes down to one story homes. In regards to the street and traffic issues, the developer has agreed to landscape abundantly to help with these issues. Also, in regards to this subdivision being called the Grove at Lake Ida, we all live in subdivisions but nowhere will there be a sign for the Gove at Lake Ida.

Craig Spodak asked Ms. Montazemi what are the two lots that will become 1 story homes and she said it is going to be Lot 3 & 6.

Mark Little – 505 NW 12 Street – Mr. Little said that he will be representing 6 residents and request 6 minutes to speak. It was approved by the board.

I have been working with some people in the neighborhood and we have some experience with land development regulations. In 3.1.1.B, streets and traffic, we do not feel that staff gave the P&Z Board an accurate report in regards to the daily trips during peak hours. At the very minimum, a traffic study needs to be made before Planning and Zoning can make the determination on how this was determined.

In regards to drainage, the area is flood prone and we agree. Under concurrency, you don't look at a civil plan in advance of replating and I don't feel that this is accurate. It was also mentioned in the staff report that a HOA was to be developed for 7 lots. If this is to be developed it will not meet the zoning characteristics of an R-1-AA it will not be a PRD single family, so I believe the staff's report is inaccurate.

For plat actions, Sub-section A, Traffic Circulation, what we are seeing is 7 driveways all in a 5 way intersection. Staff needs to provide a traffic study.

Sub-section E was read by Mr. Little concerning vacant land that is zoned residential. This has been built as R-1-AAA and we have the data here tonight to prove our information.

Doug Ayers – 111 NW 11th Street – Mr. Ayers is representing the following people:

Giulio Gluro – 1123 NW 3rd Avenue

Scott Schereschewsky – 1329 NW 3rd Avenue

Alan Boyer – 220 NW 12th Street

Constance Prichard – 400 NW 12th Street

Louis Smith – 220 NW 12th Street

I was at the last meeting and spoke against this project about density. I spoke to Tom Laudani, we exchanged cards and he said that Seaside Builders would be in contact with me and I have not heard from anyone nor did I receive a brochure at my house. Also, McKenzie Montazemi does not speak for me, and I am in the homeowners association. I have my own views of this project.

The first staff member that spoke said that the houses that are to be build are average for around the neighborhood, but I have a presentation tonight to show that is not true. *(Mr. Ayers presented a powerpoint presentation and gave the board a handout of Neighbor Review)*

Trent Talbot – 515 NW 12th Street – Mr. Talbot is representing the following people:

317 NW 12th Street *(I was unable to decipher the gentleman's name from the recording nor did he sign in)*

Sharon McGuire – 22 Gove Way *(Did not sign in)*

June Keating – 1103 NW 6th Avenue

Noelle Stewart – 1331 NW 3rd Avenue

Jonathan Moulton – 115 Gove Way

I am going to try and summarize the information that has been presented to you in a handout. The document was a composite of 3 or 4 neighbors and we felt we have had some experience with board work. I have sat on the SPRAB board and another on the P&Z Board and we feel that there are some inadequacies in the staff report that need to be addressed. This is a very unique intersection and we have concerns about the traffic and circulation. I have sat in the board's position and I know that you don't have time to look at every issue, but I ask that you really look at this document and visit this site and see the concerns that this community has. A key point here tonight is that we feel that this property is not being planned in the manner that is consistent with adjacent development regardless of the zoning district. And finally, we understand from a community standpoint that the LDRs and Comprehensive Plan is citizen driven and we are pleased that we have the opportunity to present our concerns about this project. As you can see from the turn out tonight, that there is great concern over the people whose life style will be immediately impacted. In closing, our desire in the neighborhood would not to see this property not platted at the current intensity which it is being requested, we would like to see it replatted for fewer lots at a more appropriate R-1-AAA standard.

Sam Knobler – 1125 NW 5th Avenue – Mr. Knobler is representing the following people:

Mike Johnson – 1409 Pine Lane

Susan Edwards – 33 NW 12th Street

Jeff ThisII – 303 Grove Way

Mary ThisII – 303 Grove Way

(Please note that only (5) people volunteered for Mr. Knobler)

I am the newest resident here in Lake Ida and moved from Cincinnati. I have been for the past 25 years a real estate developer and I am often on the receiving end of zoning meetings. I understand the HOA is voluntary, no dues, it's not on the record and by no way does Mckenzie Montazemi represent the broad consensus of the community. That needs to be clear. One of the things that I noticed when I arrived in the community is the intersection is confusing, very dark, poor lightening and hazardous. I attending the meeting that we had with the builder and I left after an hour because I felt like there was no interest to make any concessions. When you look at the data, and they are going to put 7 lots into this quaint area, it will not only change the neighborhood but it will cause huge storm water problems. Another problem is the traffic situation; it is a health and safety issue. You are going to endanger the neighborhood, this is a walking neighborhood.

Finally, please listen to your citizens. This is a business transaction and the builder is purely in it as a business which is fine, but you can get a return on your investment in more than one way, but putting 7 lots in one area is not the only way.

Tom Laudani – 510 Seasage Drive.

(Mr. Laudani is speaking as a private citizen)

First, I appreciate and understand the concerns of the neighbors, I have been a developer here in Delray for 16 years and I have never had such a turn out in regards to a development that I am trying to do. I was asked to meet with the citizens and about 40 individuals came to the Northern Trust Bank and certain concessions were talked about and by a showing of hands the majority thought the concessions were reasonable enough for me to move forward in the direction I was planning on going, which I would have anyways, but I wanted to conform to the rules and requirements. This is not a proposal; it is a legal right to come before this board to plat the property that conforms to the zoning. We are not requesting any waivers or variances; we are in the zoning district and please consider your recommendation to the City Commission.

Lisa Nardo – 1127 NW 3rd Avenue

I wanted to say that there is a poor drainage problem in this area. The city in the past year has done a swale project to relieve the flooding on NW 3rd Avenue, and that is the low point of the area. I have the City doing a study of the drainage in that area, and I was not aware of this project and I don't think it is considered in the current study that is going on. I am personally concerned about this as my house takes most of the flooding. It comes down 12th and Grove and if there is new drainage coming out of this development, it is very likely that my home will have water in it as a result. For the record I would like to see an engineering study of the drainage before this proposal is put forward and approved.

Sam Shannon – 1500 N Swinton

I attending the meeting that Mr. Laudani held and I was disappointed. At that meeting when discussing the sizes of the houses, it was said that it would be 3-single story homes.

Michael McConga (*spelling is not correct*) 308 NW 17th Street

I wanted to say that not everyone here tonight is against Mr. Laudani's proposal. I went to the meeting and I agree that the intersection is a hazard. I was happy to hear that things like new sidewalks would be put in around the property.

Russ Main – 1209 NW 3rd Avenue

I built in this neighborhood about 2 years ago, and one thing that I have not heard brought up in these conversations is the power surges. We have surges a couple times a day and at least 2 or 3 a month. Now you are going to add 7 more homes to this area and I would like the board to be aware of this and give some consideration.

Tracy Allerton – 114 NW 12th Street – My roots go back a long way and I have seen a lot of changes but what I love about the neighborhood is that it hasn't changed. I am concerned about the older house that are being torn down and concerned of where I can live. I think with the building of these 7 houses, it is necessarily that you can build these houses, or rather does it mean you should build them.

Pearl Johnson – 1409 Pine Lane – A couple of things I would like to comment on that other people have spoken about. One thing that comes to mind is the word 'charm' and that is what changed my husband and myself into moving in this area. I think by bringing in these 7 'mc-mansions' into this area is just going to kill the charm.

Lynette Rosenberg – 122 NW 12th Street - I live directly across from the proposed development and a couple things that I want to bring up. First, when we were in the meeting with Mr. Laudoni, he was clear that this would not be call the 'Grove' and that it was not a development and that is all that I have heard tonight. Second, when at that meeting, Mr. Laudoni said that he was there to listen to all of our comments and concerns but he definitely was not there to change anything, so if we were there for that purpose it was not going to happen.

Richard Jones – 1111 Vista Del Mar

(Mr. Jones is speaking as a private citizen)

The word 'Mc-Mansion' was back in 2004-2006 and prevalent through the whole city. What the Lake Ida residents did was approach the city and was instrumental in getting the guidelines, the LDR changed and to limit the conditions and they were very successful. We feel that we have designed these homes within the character of Lake Ida.

Sheryl Tufts – 1400 NW 4th Avenue

I agree with a lot of things that have been said here tonight but would like to have some clarification on a couple of things. In the report it said, *"This easement will be dedicated on this plat to the homeowners association which will have maintenance obligations for the drainage system.* I would like to have clarification on what is meant by Homeowners Association. Is this referring to a new Homeowners Association for only the homes that will be built on this plot of land or is it referring to the Lake Ida Property Owners Association which I am a member of, which is voluntary. I would also like to reiterate that the President of the Lake Ida Property Association did not speak on my behalf here tonight. Another item, I appreciate that the builder met with the homeowners as he was requested to by the Commission, and at one point Mr. Knobler asked the developer Mr. Laudani if he was going to negotiate in the amount of homes to be built and he said NO. At that point my husband I left.

Tom Leeman – 122 NW 12th Street

I think the question is, in the Comprehensive Plan, is what they are going to build compatible with all the adjacent land use. Clearly when you look at the project it is not in character with Lake Ida. Nothing has been built there before and in the final analysis it is not compatible to what is there now.

Cross Examination

Ms. Rustin ask Mr. Wherry to pass his questions to the board chair and he will ask the questions on your behalf.

Mr. Wherry said that he thought it would be faster if I just could offer rebuttal witness.

Ms. Rustin asked Mr. Wherry if he would like to cross examine any of the speakers or do you just want to rebut? Mr. Wherry said that he would like to rebut with witnesses and Ms. Rustin said that he would have two minute per speaker.

Mr. Wherry said there were a lot of questions raised about drainage and I will have Mr. Joe Pike explain what is being done. Mr. Pike is our Civil Engineer and has developed our drainage plan.

Mr. Pike explained that his company does a lot of in full work and we are used to being sensitive to our neighbors and their surroundings. On this project we have been ultra conservative on our drainage approach. We have made drainage from each house to go into one central area, and this will provide 5 to 6 times as much drainage retention as any other drainage in this neighborhood. We have done everything possible on site to protect exasperating the existing conditions. The city has done some swale work in the area but it just isn't enough. We met with Randal Krejcarek (Engineering), Tom Laudani (Developer) and found out that there is no city drainage from Swinton to the lake and from Lake Ida Road to the south and north to 22nd Avenue. So right now they are going through a study and they have hired an independent consultant and they are looking at an improvement system.

Paul Engle – 955 NW 17th Avenue (*we are surveyors of record for the Plat*)

The average size lot that we are trying to create here is ¼ acre lot. So I took a look at area around the R-1-AA district and looked for lots at or smaller than ¼ acre.

Richard Jones – Architect of the project. (*Because Mr. Jones spoke as a resident he is allowed to speak in cross examination*)

I want to remind the Board members of the requirements for a plat approval and what you are review here. We are here to review compliance to Land Development Regulations and comp plan. We have heard from Mr. Pike and Mr. Engle and they have both shown you the compatibility and the size that will be for this project.

Mr. Wherry

I was asked to address the maintenance obligation for the drainage that they want to install, and we have been talking about the homeowners association and we are not talking about the Lake Ida neighborhood association, we are talking about the homeowners association made up of the property owners on this plat.

Staff Rebuttal

Mark McDonnell – Mr. Little said that he thought the staff was lenient to the daily trips but our information was obtained from the ITE Manuel. You can have a HOA without it being a planned residential development. It doesn't have to be a PRD to be a HOA.

There was another concern about traffic safety and walking dogs. When there is a new driveway there is a site visibility that must be maintained free of any obstruction so that if anyone is backing out they have visibility to anyone driving or walking.

There was a Doug Ayers that spoke, and he did a study larger than the staff had done. When I had looked it was on a much smaller area.

Mr. Knobler spoke and wanted to know if the report was creditable. The gentleman that did write the report is in the room tonight, he did retire, he is an AICP Certified Planner, he was a Principal Planner with the City, and has a number of years' experience with the City as well as a Master's degree in Urban Planning from the University of Maryland. I believe he is credible and that the report is credible.

Mark said that Tracy Allerton was concerned with the teardowns and the building of the McMansions. These lots that we are looking at tonight are limited to 30% of maximum coverage.

In regards to the knock downs, we hear there was a lot of a concern from the neighborhood about how many knock downs there is one thing that would prevent this is that if the community would consider being established as a Historic District. This would help to prevent these houses from being torn down.

BOARD DISCUSSION

Jordana Jarjura – Most of the questions were answered from the staff.

Gerald Franciosa – Wanted to know what is the maximum size home they can put on these lots?

Mark McDonnell – said that 30% would be a 2 story and 40% is a 1 story home.

Jordana Jarjura – In the original presentation this property was sub-divided into 6 lots and 1 for a right of way and then re-platted into 4.

Mark McDonnell – It was 5 lots and an easement. The easement was abandoned. The original home was going to stay.

Clifford Durden – Originally there was 6 lots and 6 houses could have been put on this property. The easement was one plot and Mr. McDonnell said that the attorney referred to it as another component of the property. Mr. Durden asked how did we come up with 7 houses. Mr. McDonnell said it was because the property was re-platted. Mr. Durden said so you are making the lots smaller. I can see that there is a problem with that.

Thuy Shutt – This is a sub-division approval, not a rezoning, not a site plan approval, so conceptual site plan are voluntary. So with a sub-division you need to meet the minimum requirements of the code to be approved. Second you have to have to have access and all the concurrency and there are 11. Also a question for Mr. Pike. Can you clarify historical drainage flow vs future drainage flow?

Mr. Pike – Yes, we are self-contained up to the 10 year, 1 day storm event which is about 11 inches of rain fall. Over and above that amount the drainage regulations allow you will spill out to other sites.

Christopher Davey – What is the geographic area that you looked at to determine the consistency. Is it only the R-1-AA zone?

Mark McDonnell – I went Swinton Avenue over to the north and up a couple blocks.

BOARD DISCUSSION

Jordana Jarjura – I think it is wonderful that you all came out tonight to support this project. At last meeting I was struggling with this project and that is why the board suggested that the developer meet with all the neighbors and get your input. I was unhappy to hear that a few of the neighbors left during the meeting and I know it is hard to listen when you are so passionate about your property. I know that the developer talked about all the things that he wanted to do like lighting, sidewalks, getting rid of the 'Village within the Village' but this is not part of the plat.

I think the applicant has answered a lot of your questions regarding the drainage and traffic and I encourage all of you to keep participating in discussion.

Thuy Shutt – I also want to thank you all for coming out and supporting this project, and I wish we had all this support in our neighborhood. I wish we could stop people from coming but it is not going to happen but we want to make sure that the developer makes reasonable use of his property.

Clifford Durden – I also appreciate you all coming out to this meeting with your concerns and my concerns is with the partial piece of property that was used as a lot and it was not really a lot and to put an additional house on it. However, within the guidelines of that we are faced with, the builder is in his rights to build.

Dr. Spodak – I personally as Chair, I am pleased to see the turn out for tonight and see the comments of what Lake Ida really wants. What is before the board today is a R-1-AA zoning and we are not able to change it to R-1-AAA tonight as much as you all would like to see.

Gerald Franciosa – We are all volunteers here and we have to go by our staff and expert opinions, unfortunately the developer complies with all the LDRs and I have to go along with staff's recommendation.

Christopher Davey – Obviously we have professional staff here, but we also have to use our common sense and we have to give our heavy weight to our staff report.

MOTION/FINDINGS

Move a recommendation of approval to the City Commission of the Preliminary Plat and certification of the Final Plat for **The Grove at Lake Ida**, 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

Motion by Gerald Franciosa and seconded by Thuy Shutt with discussion.

Thuy Shutt asked Janice Rustin if after this meeting the members of the public can proceed also to voice their opinion at City Commission.

Janice Rustin said yes, the Commission has the final approval.

Thuy Shutt said that they could disagree with Planning and Zoning and theirs is the final approval.

Said motion approved 7-1, Dissenting was Christopher Davey.

V. Public Hearing Items:

Abandonment of a portion of the north-south alleyway lying west of Frederick Boulevard, approximately 50 feet south of Avenue "H" in conjunction with the property located at 2910 Frederick Boulevard. Quasi-judicial Hearing

Exparte Communication - None

Mark McDonnell entered project file No. 2014-006-2910 into the record.

This alley is a right-of-way located west of and adjacent to the undeveloped property at 2910 Frederick Boulevard, which is owned by the applicant and the subject alley right-of-way to be abandoned is 10 feet wide by 75 feet long.

The City's Environmental Services Department (ESD) reviewed the request and had no objection to the abandonment, provided a general utility easement is retained over the entire abandoned area to accommodate other Utility Companies which may have facilities in the alley. Letters were sent to the utility providers to determine if there were any objections to the abandonment. FP&L stated that a 10' utility easement would be required to accommodate its overhead and facilities within the alley.

Since the alley right-of-way is unpaved, and the City has no plans to pave it, access to adjacent properties will not be affected by its abandonment. With access unaffected and existing utilities accommodated in a retained general utility easement, there will be no further public purpose for the existing right-of-way. Therefore, a positive finding can be made.

Courtesy Notices:

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

- Delray Citizen's Coalition
- Tropic Isles
- Tropic Harbor
- Tropic Bay

Public Notice:

Formal public notice has been provided to property owners within a 500' radius of the subject property. As of this date, the Planning Department has not received any letters of opposition to the abandonment. Any future letters of objection or support will be provided at the Planning and Zoning Board meeting.

Staff recommends approval of the request for the abandonment.

Applicant Presentation

Burt Smith – H. Burton Smith, P.E. *(representing the builders)*

Mr. Sanger is building on the vacant piece of property to the east, they are 3 lots and he is building a duplex, very nice. What we are trying to do is get rid of the old, unmaintained platted alley way.

Public Comments – None

Staff Comments – None

Board Discussion – None

Motion/Findings

Move a recommendation of approval of the request for the abandonment of a portion of the north-south alley right-of-way located within Block 27 of the Del Raton Park Plat, 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 2.4.6(M)(5) of the Land Development Regulations.

MOTION

Motion by Jordana Jarjura and seconded by Clifford Durden. Said motion approved 7-0.

VII. REPORTS AND COMMENTS

Project Updates

The first three items next meeting will be related to a project behind the library called Coda.
Depot Square Apartments, 296 Units
(2) Gas stations converting to convenience stores (Chevron and Exxon)
Sofa District Offices and Lofts.

IX. ADJOURN

Adjourned: 8:30pm

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 **December 16, 2013** which were formally adopted and approved by the board on **March 17, 2014**

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.