

MINUTES OF THE PLANNING AND ZONING BOARD

PUBLIC HEARING/REGULAR MEETING

CITY OF DELRAY BEACH
DELRAY BEACH, FLORIDA

MEETING DATE: September 24, 2012

LOCATION: CITY COMMISSION CHAMBERS

MEMBERS PRESENT: Clifford Durden, Jan Hansen (6:29pm), Connor Lynch, Derline Pierre-Louis, Thuy Shutt (6:15pm), Craig Spodak and Gerry Franciosa

MEMBERS ABSENT: None

STAFF PRESENT: Paul Dorling, Mark McDonnell, Terrill Pyburn and Rebecca Truxell

I. CALL TO ORDER:

The meeting was called to order by the Chair, Mr. Lynch at 6:06 p.m. Upon roll call it was determined that a quorum was present.

Announcements

Paul Dorling informed the Board that the applicant for Beachway Motel, which is Item 6a on the agenda, has asked for a postponement to modify the site plan.

Connor Lynch to clarify, the Beachway Motel located at 655 George Bush Boulevard will not be heard tonight. That is Item 6a. Another item that will be postponed tonight is 6c. Paul Dorling explained that Item 6c is the Conditional Use Request to establish a recreational bowling entertainment center

Connor Lynch made a motion to accept the amended agenda.

Dr. Spodak made a motion to amend the agenda, seconded by Mr. Durden.

II. MINUTES: Motion made by Mr. Franciosa, seconded by Mr. Lynch, and approved 5-0 to move approval of the July 16, 2012 minutes as written.

III. ELECTION OF OFFICERS

Chair

Terrill Pyburn mentioned that you need to nominate and vote on each officer before going on to another.

Dr. Spodak would like to move a recommendation to nominate Connor Lynch as Chair to the Planning and Zoning Board.

Motion made by Dr. Spodak, seconded Mr. Franciosa and approved 5-0.

Mr. Lynch thanked the Board for their vote of confidence.

Vice Chair

Mr. Hansen would like to move a recommendation to nominate Craig Spodak as Vice Chair to the Planning and Zoning Board.

Motion made by Mr. Hansen, seconded Mr. Durden and approved 5-0.

First Vice Chair

Dr. Spodak would like to move a recommendation to nominate Gerry Franciosa as First Vice Chair to the Planning and Zoning Board.

Motion made by Dr. Spodak, seconded Mr. Durden and approved 5-0.

Parking Management Advisory Board Liaison

At present Mr. Lynch is filling the position of Advisory Board Alternate. He will attend the next meeting. We will wait till the whole board is present to consider a vote.

The voting will be postponed. Terrill asked if all in favor of postponing the voting for Parking Management Advisory Board Liaison. Approved 5-0.

After some discussion Dr. Spodak moved to a recommendation to appoint Gerry Franciosa as Parking Management Advisory Board Liaison.

Motion made by Dr. Spodak, seconded Mr. Lynch and approved 5-0. Terrill Pyburn clarified that Mr. Franciosa was now 1st Vice Chair and Parking Management Advisory Board Liaison.

III. COMMENTS FROM THE PUBLIC

Mr. Kevin Warner – 248 Venetian Drive. Commented that the P & Z Board minutes are not on the website in a timely manner.

Mr. Lynch - Please state for the record that Thuy Shutt has joined the meeting – 6:15pm.

Mr. Dorling – Person that was responsible for the minutes has passed away very suddenly. The position has not been filled yet. We are working on the interview process.

Mr. Lynch – Just to reiterate, Denise Valek passed away very suddenly and Rebecca Truxell has been filling in at most of the board meetings.

Jim Smith – 1225 S. Ocean Blvd. - Thanked Thuy Shutt for being on the board. Since Cary Glickstein has stepped down as Chair from the P & Z Board, as he is running for Mayor, I am looking for assurance that all the question that have been asked for by the City to the citizen about infrastructure needs, that they will be answered individually.

Jim Knight – 10 SE 1st Avenue – Has been brought to his attention about the narrowing of S. Federal Hwy. and maybe going permanent. Are they going to eliminate all the parking on Federal Hwy.? Some places have gone to 2/hour parking.

Mr. Lynch – City is working with the CRA on this project. Did not know that there was going to be a major reduction in parking spaces.

Mr. Dorling – I am not sure of the reduction of parking. This is a DOT project. We are trying to maximize the space, but it is up to them. Our desire is to have as many as we can. The plans do include a lot.

Mr. Lynch – How would the public get more information on this subject?

Mr. Dorling – They can contact Mr. Randal Krejcarek, City Engineer and he will be able to go over the plans.

Mr. Lynch – Jim is this information acceptable to you?

Mr. Knight – Yes, this is why I am here.

Mr. Dorling – This ultimately is up to the DOT.

Mr. Lynch – Thank you and we will be watching this project.

Mr. Dorling – This is also out for bids. When they decide, P & Z will have to approve this project.

IV. LAND USE ITEMS:

Chair Mr. Lynch read the Quasi-Judicial Rules for the City of Delray Beach and Ms. Truxell swore in all who wished to give testimony on any agenda items. Also, the Voting Conflict was read by Ms. Truxell for the county.

A. Final Subdivision Plat for Spodak Dental Office, located on the north side of West Atlantic Avenue, west of High Point Boulevard. Quasi-judicial Hearing

Terrill Pyburn state for the record that Craig Spodak stepped down for the subdivision Plat for Spodak Dental Office.

Mr. Hoggard entered project files No. 2012-157 into the record.

This property was re-zoned last year from Agricultural to Professional Office District. It is located on West Atlantic Avenue. A proposal is to construct a 1 story dental office measuring 12,980 sq.ft. We are here for a re-plat of the property. Site plan was approved on February 8, 2012. There are a number of findings made in respect to Section 3.1.1. All this is in your staff report for review. Courtesy notices were sent out to all residential neighborhoods, homeowner associations, as well as neighborhood advisory council, and Delray Citizen's Coalition. We have a few technical comments that are remaining to be addressed that will not affect the layout of the plat, but will need to happen before the scheduled City Commission Meeting.

Mr. Hoggard recommends approval of this Plat.

Courtesy Notices:

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

- Neighborhood Advisory Council
- Delray Citizen's Coalition
- Woodlake
- Windy Creek
- High Point 1
- Hamlet

Applicant's Presentation

Mr. Paul Engel of O'Brien, Sutter and O'Brien. We are the surveyors of this plat. On behalf of the applicant we are here to answer any technical questions that you might have about the plat.

Mr. Lynch asked if the applicant has any objections to the items that are outlined in the plat.

Mr. Engel had no objections.

Public Comments, Staff Rebuttal and Cross Examination – there are none.

Board Discussion – None

Motion/Findings

Mr. Durden moved to recommend approval to the City Commission of the Preliminary Plat and certification of the Final Plat for the **Spodak Dental Office**, 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. Durden, seconded by Mr. Franciosa. Said motion passed with a 5-0 vote.

- B. Final Subdivision Plat for 10th and 10th Center, a proposed two lot commercial subdivision located at the southeast corner of SW 10th Street and SW 10th Avenue. Quasi-judicial Hearing

Mr. Hoggard entered project file No. 2012-192 into the record.

This is subdivision plat, a two lot commercial subdivision, located at the southeast corner of SW 10th Street and SW 10th Avenue. In April of this year there was a comprehensive plan amendment and new zoning to take this property to commercial. Site plan was approved for this project on August 22, 2012. It includes (2) buildings, one is a large Dollar General along 10th Street, and in the rear for future development a 3,300 sq.ft. small retail development

building. Overall the plat will divide the property into 4 parcels. The large parcel will be the Dollar General in the front, small parcel in the back, a dedication of right of way for 9th Avenue and a dedication of right of way for 10th Avenue in the back.

A number of findings were made in respect to Section 3.1.1. with the relationship to the future land use. All the findings were made, courtesy notices were sent out to the adjacent subdivisions, residential subdivisions in the area, as well as the neighborhood advisory council, and the Delray Citizens Collision. A number of comments and outstanding items, technical items need to be addressed prior to going to the City Commission.

Staff recommends approval of the plat.

Courtesy Notices:

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

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

Applicants Presentation

David Linley, surveyor of the project. They are in agreement with the recommendation.

Board Discussion

Mr. Durden asked about other leaders in the area that conditions might not be favorable to that area.

Mr. Linley responded that he was not aware of what other tenants may be feeling.

Mrs. Shutt asked about the drainage.

Mr. Hoggard said that drainage through the whole property and the city has a huge storm drain.

Motions/Findings

Dr. Spodak moved a recommendation of approval to the City Commission of the Preliminary Plat and certification of the Final Plat for the **10th and 10th Center**, 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.

Motion by Dr. Spodak, seconded by Mr. Durden. Said motion passed with a 5-0 vote.

C.Final Subdivision Plat request for Village Square, a proposed residential development that includes 253 units within three Phases located on the east side of Auburn Avenue, between SW 7th Street and SW 10th Street. Quasi-judicial Hearing

Mr. Hoggard entered project files No. 2012-194 into the record.

This property on the east side of Auburn Avenue, extends down to S.W. 10th Street. At its meeting of August 2, 2011, the City Commission approved a Conditional Use request to allow an increase in density above 12 units per acre. (13.91 units per acre approved) At its meeting of July 25, 2012, the Site Plan Review and Appearance Board approved a Class V Site Plan, Landscape Plan and Architectural Elevations to construct a 252 unit residential development in three phases. Phase 1 contains 84 senior rental units; Phase 2 contains 144 rental units; and Phase 3 contains 10 single-family homes and 14 duplex units.

The property will be subdivided into 6 development tracts that will contain all the multiple-family residential buildings for the new project (Tracts "A-1", "C-1", "C-2", "C-3", "C-4", and "C-5"); three tracts for private streets and parking lots (Tracts "R-1", "R-2", and "R-3"); three recreation tracts (Tracts "B-1", "B-2" and "B-3"); four drainage tracts (Tracts L-1", "L-2", "L-3", and "L-4"); ten single-family lots (Lots 1 through 10); and 14 duplex lots (Lots 12A through 18B). A five foot sidewalk easement has been provided adjacent to Auburn Avenue. Water, sewer, drainage and other utilities will be provided through a series of easements located throughout the property.

Pursuant to Section 3.1.1 of the Land Development Regulations, prior to approval of development applications, certain findings must be made in a form which is part of the official record. This may be achieved through information in the application, the staff report, or minutes. Findings shall be made by the Board to approve or deny the development application.

Mr. Hoggard recommended approval of this Plat.

Courtesy Notices:

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

- Neighborhood Advisory Council
- Delray Citizen's Coalition
- Auburn Trace
- Delray Beach Heights
- Carver Park

Applicant's Presentation

Warren Rolle of Heller Weaver, surveyor of the property. They are in agreement with staff proposal.

Board Discussion

Mr. Durden had a concern about the increase in density.

Ms. Pyburn stated that this plat was already approved in a prior meeting.

Mr. Durden was concerned where the single family homes will be.

Mr. Hoggard showed the site plan on the screen and pointed out where all the buildings would be located.

Mrs. Shutt asked for an explanation on the HOA fees.

Mr. Dorling said that the Housings Authorities will manage everything.

Mrs. Shutt asked if the duplexes can be rented out?

Mr. Hoggard said that they are individual duplex lots.

Mr. Lynch stated that what Mr. Hoggard is saying is that once they are purchased will the HOA maintain all the buildings or will they be independent?

Mrs. Shutt asked if there will be one owner or two.

Mr. Hoggard said there will be two owners.

Steve Kaplan of Roundstone Developer. He is representing the owner and the HOA fees will be run by the Housing Authority.

Mr. Hansen just wanted to know if there are any engineering problems that have not been addressed. Would this upset any of the plans?

Mr. Hoggard said that there are some technical issues that have not yet been addressed but they are being worked on.

Motion/Findings

Mr. Durden moved a recommendation of approval to the City Commission of the Preliminary Plat and certification of the Final Plat for **Village Square at Delray Beach**, 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.

Motion by Mr. Durden, seconded by Dr. Spodak. Said motion passed with a 7-0 vote.

IV. LAND USE ITEMS

Mr. Lynch said that next item is 6a, which is postponed and moving to 6b.

B. Conditional Use Requests to allow a density in excess of thirty (30) residential units per acre (51.10 units per acre is proposed) and the building height for the project in excess of 48 feet up to a maximum building height of 60 feet for Atlantic Plaza II, located between East Atlantic Avenue and NE 1st Street and between NE 6th Avenue (northbound Federal Highway) and Veterans Park. The development proposal is in

conjunction with the demolition of the existing buildings and improvements and the construction of a new mixed-use development that includes 442 residential units, 79,071 sq. ft. of office area, 52,021 sq. ft. of retail, and 28,204 sq. ft. of restaurant.
Quasi-judicial Hearing

Ex-Parte Communications

Mr. Lynch and Dr. Spodak have received comments from a citizen that currently or have served on the Green Task Force for the city and we recorded it on the records and they are now on the staff report.

Mr. McDonnell entered project files No. 2012-181 into the record.

This project is called Atlantic Plaza II. This is a conditional use request, pursuant to Land Development Regulations (LDR) Section 2.4.5(E) for two reasons.

- To allow an increase above 48 feet to a proposed maximum height of 59' 4" [LDR Section 4.3.4(J)(4)(b)]; and
- To allow a density exceeding 30 dwelling units per acre (51.10 du/ac proposed) in the Central Business District (CBD) [LDR Section 4.4.13(D) (12)].

Project planner involved in this project is present, Scott Pape, Senior Planner, for any questions that you might have. Also the agent, Covelli Design is present for a separate presentation.

The project is located between Veterans Park west of the Intercostal Waterway, between East Atlantic Avenue on the south, and NE 1st Street to the north, and extends 2 blocks to NE 6th Avenue. The property measures 8.65 acres total. The future land use is commercial core and the zoning is central business. Construction includes four (4) five-story buildings and two (2) three-story buildings. The commercial component of the development consists of 52,021 square feet of retail; 28,204 square feet of restaurant; and 79,071 square feet of office. The residential portion of the development includes 442 dwelling units comprised of 70 efficiency unit; 151 one-bedroom units; 208 two-bedroom units; and 13 three-bedroom units. Installation of two swimming pools, lounge, fitness room, cyber café, and game room is shown. Installation of 27 public parallel parking spaces along Atlantic Avenue and NE 1st Street and 11 parallel parking space along NE 7th Avenue is included. Installation of sidewalks, walkways, and associated landscaping compliment the development.

Going through the Conditional Use Analysis you will note that actual use of this proposal is allowed by right.

Pursuant to LDR Section 4.3.4(J) (4) (b) (i) (9), an increase to a maximum height of 60' (59' 4") may be approved by the City Commission as a conditional use for property within the Central Core portion of the CBD (Central Business District), except for that portion within 150' of any zoning district which has a maximum height limit of 35', measured from the property line of the CBD zoned property. The City Commission may approve an increase in height to a maximum height of 60' based upon a finding of compliance with specific criteria.

That the increase in height will not provide for, nor accommodate, an increase in the floor area (within the structure) beyond that which could be accommodated by development which adheres to a height limitation of 48'.

Workforce housing units, equal to at least twenty percent (20%) of the residential units on the top floor, shall be provided within the development on site. The proposed development provides 49 dwelling units on the fifth floor. Thus, 10 workforce housing units need to be provided per this requirement. It is noted that the total workforce units will increase due to the provisions of the density increase requirements.

With that, a minimum of 50% of the ground floor building frontage consists of nonresidential uses (excluding parking). Open areas, such as courtyards, plazas, and landscaped setbacks, are provided in order to add interest and provide relief from the building mass. The project contains an extensive courtyard/plaza system that will provide relief from the massing of the buildings and unique pedestrian experience. The two recreation courtyards will likely be only accessible to residents and their guests. Based on the above, the proposed development is consistent with this standard.

Based on the above analysis, the project complies with two of the three criteria. Therefore, the proposed development is eligible for an increase in height.

The number of dwelling units above 30 dwelling units per acre is 182 units, which requires 37 workforce dwelling units. Including the 10 workforce dwelling units for the height increase, the proposed development will be required to provide a total of 47 workforce units.

The second conditional use request is for density increase above 30 units per acre which results in a density of 51.10 dwelling units per acre. The development offers variation in design to add interest to the elevations and relief from the building mass. Building elevations incorporate several of the following elements: diversity in window and door shapes and locations; features such as balconies, arches, porches; and design elements such as shutters, window mullions, quoins, decorative tiles, or similar distinguishing features.

Variation in design is added interest to the elevations and relief from the building mass. The proposed development has four distinctive design changes that will provide interest to the development. Each design contains variations in window designs and architectural appurtenance. The design changes will provide the feeling that the property was developed over time, which is consistent with the established development pattern of the downtown. Based upon the above, this performance standard has been achieved.

The garage elevation provides unified design elements with the main building through the use of similar building materials. The project contains one above ground garage. It is completely enclosed by Buildings IV and V and will not be visible to the public except for the entrance from NE 7th Avenue. Based upon the above, this performance standard has been achieved.

The development proposal provides a mix of efficiency, one, two, and three bedroom dwelling units with numerous floor plans. There are 70 efficiency dwelling units, which represents 15.8% of the total dwelling units within the development.

The project design shall create an overall unified architectural character and image. In terms of the building architecture, there is no unifying character or elements between the four styles. However, the architectural style changes provide interest to the development and are harmonious. The unifying character to the development is primarily achieved in the expansive pedestrian "corridors" between the building and public plazas.

The proposed development includes two swimming pools, cyber café, fitness room, game room, and lounge. Further, the project contains extensive courtyards and gardens for the resident's

passive recreational needs. The applicant has not submitted detailed plans of the interior recreational facilities. Based upon the above, the intent of this performance standard has been only partially achieved due to the lack of information regarding the interior recreational facilities.

The development provides extensive pedestrian plazas throughout the property. The public sidewalk has been effectively increased along Atlantic Avenue due to the increased building setback. There is a concern with respect to access to the above ground parking garage. In order to access this garage, patrons or employees will need to walk within the drive aisle at the entrance. The pedestrian and vehicular traffic needs to be separated and this will be addressed during the site plan process. Based upon the above, the intent of this performance standard has been partially achieved.

The development proposes shared parking. There is a table in the staff report that provides the shared parking. The development has a 21-space surplus in the parking system. Thus, there will be some opportunity for parking from adjoining properties.

Another requirement is to have at least 75% of the surface area of the front street wall(s) at the ground floor area of each such building is devoted to display windows and to entrances to commercial uses from outside the building.

A landscape plan will be in planters given the underground parking facilities. But we will be looking at that as we proceed to the site plan.

If approved as conditioned, the proposed development will comply with performance standards (a), (b), (c), (g), and (h). The development proposal does not fully comply with performance standards (d), (e), (f), and (i). Given the level of achievement with the performance standards, the density increase can be supported provided the conditions of approval are addressed.

The next part of the report refers to the compliance with the LDR's, the parking spaces, the building setbacks. The Delray Beach Police Department did a Crime Prevention Through Environmental Design (CPTED) Report. These issues will need to be resolved during the site plan review process.

Review by Others

Community Redevelopment Agency (CRA):

At its meeting of September 13, 2012, the CRA reviewed the conditional use requests and recommended approval.

Downtown Development Authority:

At its meeting of September 10, 2012, the DDA reviewed the conditional use requests and recommended approval.

If the Conditional Use requests are approved, a site plan application will be processed for the development proposal, with final action by SPRAB. There are courtesy notices that have been provided to homeowner's associations and interested parties. There was also a formal public notice has been provided to property owners within a 500' radius of the subject property. There are also some emails that have been submitted.

Mr. Lynch has a recommendation from staff to recommend approval subject to conditions listed in the report. Any questions can be asked to Mark McDonnell or Scott Pape.

BOARD COMMENTS

Mr. Franciosa asked what the vote for the CRA and the DDA was.

Mr. McDonnell said that the vote was unanimous.

Mr. Franciosa asked Mark if in the 'Streets and Traffic' section could he explain what it means when it says 130 AM peak hour trips and 189 PM peak hour trips. The project will generate a net increase in 2,460 average daily trips.

Mr. McDonnell said that AM peak hour trip is when you have the most traffic being accounted for during morning rush hour.

Mr. Franciosa asked if this 130 peak hours is every minute or every hour.

Mr. McDonnell said that it was during peak hour which is between 7am and 9am.

Mr. Franciosa asks does this mean there will be 130 cars during this time.

Mr. McDonnell said that it would be 130 cars per hour.

Mr. Franciosa asks what the 189 PM peak would be.

Mr. McDonnell said that would be from 4pm to 6pm.

Mr. Franciosa asks what the 2,460 trips would be.

Mr. McDonnell said that it would be for the whole day – 24hours.

Mr. Franciosa asked where the comments were and about the build-out year has been extended to 2017.

Mr. McDonnell said that this project was not required to have a Traffic Impact Study done but they had one done anyway. They sent it to the county and we received a response but I have not yet been able to read it.

Mr. Lynch asked if it is available.

Mr. Dorling said that we have it. They approved it with a build-out not to extend beyond 2017. A build-out means that it is vested not past 2017. If they build past that time then the approval given by the county has to be re-visited.

Mr. Franciosa asks if the county is ok with the traffic.

Mr. Dorling stated that they have approved it.

Mr. Franciosa had another question. He asked if there was a problem with the pedestrian/cars.

Mr. McDonnell said that there was a concern about where the pedestrian will be walking. They would like to see a separation from the cars.

Mr. Franciosa also was concerned about the traffic impact at the intersection of NE 7th and NE 1st street. He asked if this was the only thing that is going to be done is to install a round-a-bout and what about the access to Veteran Park?

Mr. Dorling explained that the traffic would be re-routed to 1st street. The current access through the shopping center is an easement granted by the city for a time certain.

Mr. Franciosa asks would this be the only access through 1st Street.

Mr. Dorling replied yes and there will have to be provisions made for turning around.

Mrs. Shutt asked on the density and the height is there requirements on how they are to be distributed?

Mr. Pape explained that yes there are requirements. They can't exceed a certain portion and all requirements have been given to us. It will be overseen by the Community Improvement Department.

Mr. Hansen wanted to focus on 1st Street and Veteran Park driveway. Questions on the elevation.

Mr. Pape showed a slide with the elevation answers. He also said that they might have to put a hammerhead at the end of the park.

Mr. Hansen was concerned about emergency vehicles getting in and out.

PUBLIC COMMENTS

Jeff Edwards, President of Edwards Company

Mr. Edwards started out by going through some slides and explaining what the corner of Atlantic Avenue and Federal Hwy would look like. His first comment was that he had a concern on the name of the project (Atlantic Plaza II). He feels that this large project does not confer with the atmosphere. Mr. Edwards wanted to say that this is an approved project and that he was only here today to address the density and height of the building. This project is approved for 60' in height and we are not asking for any height increase but we are asking for a greater density. The property is a \$200 million development, 80,000 sq. ft. retail space and restaurant, 80,000 sq ft. of class A office space, 442 sq.ft of high end residential space for rent and for sale and all parking is concealed. We have done a Traffic Study and a Shared Parking Analysis. The Shared Parking Analysis states and approves that there were no parking waivers required. There are 1,100 parking spaces available on site. It is a mixed use development and we are hoping to bring new employers and jobs to the city with more service type retail. Instead of going through all the slides, Mr. Edwards did want to say that there is more residential space than retail. He went through numerous slides showing the different qualities of the building and how successful it will be for Delray Beach. One item that is not related to density and height but was encouraged to address is 7th Avenue. We are looking at a raised pedestrian side walk which would slow down traffic and as you travel down 7th there is a tree in the middle of the road and again have the raised pedestrian side walk. The existing 4-way intersection at 7th and 1st has what you call a '32 conflict points'. The proposed traffic circle has only '8 conflict points'.

As described in this staff report, the request for additional height meets with the criteria established in LDR Section 4.3.4(J)(4)(b), and the increase in density above 30 units per acre is supportable as the project meets or exceeds the Performance Standards found in LDR Section 4.4.13(l). 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, with respect to the requested increases in building height and density. It is noted that pursuant to LDR Section 4.4.13(l)(1), despite the fact that compliance with the performance standards is possible subject to the attached conditions, the Board may deny the application for increased density, if the Board does not agree that the proposed changes are compatible in terms of building mass and intensity of use with surrounding development.

Mr. Edwards proceeded to go through sides and summarizes the height and density.

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:

- Neighborhood Advisory Council
- Jerry Franciosa, Delray Citizen's Coalition
- Delray Summit
- Beach Property Owners Association
- Barr Harbor
- Barr Terrace
- Seagate Towers Condominium
- Casa La Brisa
- Palm Trail
- Via Marina
- Chamber of Commerce

PUBLIC COMMENTS

Jim Smith – 1225 Ocean Avenue

If the Atlantic Plaza II is approved it will be the largest, densest project in the history of Delray Beach. We need more tax revenue but we need the best possible development. The most important thing is the traffic. Either the density needs to be reduced or more traffic management needs to be increased. Three things I want to bring to the board.

1. Nobody believes the applicants Traffic Impact Study. We ask that the City have their own traffic study and be reimbursed by the developer. This will clear up a lot of questions.
2. Ask Planning and Zoning that they install more than 2 bicycle racks. We need the developer to pay for a portion of the shuttles. We need to encourage alternative transportation. Also, future tenants could be charged in their monthly HOA an amount to help out with the parking garage maintenance.
3. Also, go to the developer and ask for free parking for all the employees or ask for transportation subsidies for these people. I think we could save 600 trips a day if we help with the transportation.

Ed McCall – 219 N. Swinton Avenue

Mr. McCall has asked that the board not approve this request for conditional use. The reasons are that with 442 units we are looking at least 450 residential cars. With office space you are going to have employees, delivery trucks and this will not improve the quality of life in Delray Beach.

Charles Bonfeld – 220 MacFarlane Drive

I am past president of Seagate Towers Condominiums. We have a lot of residents that walk into town, and we are interested in the growth of Delray. But the density will cause awful traffic problems. Mr. Bonfeld gave an example when the bridge is open how long after will it take to clear up the line of traffic. His main concern is the sidewalks and how they need to be wider. If you look at where the restaurants are, they certainly take up a lot of space and it is very crowded for people to just stroll along the avenue.

Justina Dolton – Owner of the Colony Hotel

Mrs. Dolton is concerned with the size of the building, and is this building what Delray Beach is and what it is striving to be? What I'm also troubled about is the royal palms that are planted and the road lights that the city will only put up half way down Atlantic. Mrs. Dolton offered to finish the light project, but was turned down. What would be a great project is if the City would plant all sorts of trees on Atlantic and that would hide the huge building. Also, I feel that most of the architecture has gone on inside the building and not outside. Some people will never go into the building, and we need to worry about what Atlantic Avenue looks like.

Mr. Lynch spoke and wanted to say that all the comments and concerns that have been made so far are great, but we are here to discuss the increased density and increased height of the building. All your concerns heard here tonight will be brought up at the SPRAB Board Meeting.

Mike Malone – 64 S.E. 5th Avenue

Speaking on behalf of the Chamber Economic Group. We are excited about this project. Mr. Malone feels that it will meet some of the need in the in our community. We are in need of Class A office space for employment, we are losing jobs to neighboring cities and this project will bring tax dollars back to the City.

Cary Glickstein – Past Board Member

I am here now as a concerned resident. Mr. Glickstein stated that we are looking at a project that started out way over the top and has since compromised. When the project started the developer was given 10 years to allow for project completion. Today the developer and a new partner are back and a number of things have changed. The residents of Delray are asking if this new project meets all the LDRs. They want to know if the design then enhances the architecture of today. Would like you to reevaluate this project and look at the changes.

Ms. Betsy (unintelligible) and I am a resident of Delray Beach and live ¼ mile radius of this project. She is very concern with the density and the height of this building. Betsy gave other examples of large building being built, one on Federal Hwy, south of Linton. Her concern is that where are all these people going to work and so many of the existing business are empty. She asked to reconsider the density and height of this building.

Rick Edict – 615 N. Ocean Blvd.

Mr. Edict stated that he wasn't even aware that the 60ft. had been approved and now they are asking for 25% more density. He feels that they are taking advantage of the City. Mr. Edict sees that there are a lot of adverse impacts, i.e. traffic, parking, pedestrian, safety. I ask the board to reject this request for an increase in density.

Price Elam – S.E 7th Avenue

I live and work in Delray with a business on Atlantic Avenue and we have seen this project come and go, and this seems to be significant improvement from before. Mr. Elam feels that this project is good for Delray and to bring back some of the life to Atlantic Avenue. He would encourage supporting this project.

Jean Hefty – 1000 Loury Street – Delray Summit

Concerned about the density and height of the building and how much more traffic it will bring to the city. He feels that with such an increase in traffic that we will need another bridge to move all these cars. He brought with him a petition signed by 27 people from the barrier island showing the concern from the residents.

Clare Johnson – 46 Marine Way

Mr. Johnson read from a letter that he wrote to the Board in 10/15/2005. At this time the builder was requesting less retail and restaurant space. Now they are requesting more. He feels we are right back to where we were in 2009.

Margie Johnson – 46 Marine Way

Height of 5 story building behind a 3 story building would not hide the building. Also, underground parking does not seem feasible as it would probably flood. Mrs. Johnson also mentioned that a turn-around would not work on the street. The final comment is with renderings. Renderings do not show exactly what the building looks like.

Kevin Warner –

Please verify that the buildings are 1-5 stories high. The shortest building is 3 stories high. I might have misunderstood. Batteship Galactica – If you would like to follow along, the LDR's Page 10 of the staff report. Mr. Warner read from the report. Building mass, there is nothing in Delray Beach that is proposed as high as this project. Next concern is traffic. "Trust, but verify" by Ronald Regan. Page 4 of staff report, Mr. Warner read from the report. One of the comments from the report stated, (Quote) "reviewed and forwarded comments" (unquote). We are told today that they have arrived today. Mr. Warner stated that Director of Planning & Zoning said that the county approved it. We need to verify and what are their comments. It was asked by one of the board members what did they say. We need to see the comments of the City Traffic Engineering Division. Next Mr. Warner read from the performance standard, item 3.2.3.D. In the item number it said that "the project should not be permitted". You should not make any decision until you have all the comments from the City Traffic Engineering Division. You are allowed today, we need to table this.

Kevin Gomez – 725 Lake Avenue N.

We have been coming to Delray for the past 30 years and happy that we are here. We read about how Delray is vote “Fun Town”, or “All American City”, and best beaches in Palm Beach County. I think we need to keep an eye on how we got here. But to approve this massive building for Delray, it seems it should be in Boca Raton or West Palm Beach. We moved out of New York to get away from this.

Benita Goldstein – 302 N.E. 7th Avenue

I am a former resident of New York City and lived in a 350 unit building on an avenue of one way with four lanes. I feel I am a good judge of density with large buildings and the traffic that goes with it. We have four lanes, two in each direction, narrowing down to two lanes/two way, with a bridge that opens up frequently. That is now a lot of traffic. What really brought us to Delray were the picturesque streets and all the historic districts. As we welcome this beautiful development, please don't lose site of the success....its people.

Anita Casey – 1003 Beach Drive

I am a daughter of a military man in Europe, and when I saw the rendering I thought I was looking at German bunkers. Mrs. Casey feels it is not attractive to Delray, and trying to put a few palm trees to cover up the building will not help. I am sure that none of the developers live here, but if they were to be here during tourist season they would see how the traffic is now. So to allow this large building in Delray would not be an asset to the community.

Georgeanne Goldblum – 615 N. Ocean Blvd.

I have 3 items to discuss. One is that I did not see any parking or access to Veterans Park. I am concerned on how people will have access to this and where will this be. Second, I thought this item had already been discussed ages ago. I am very surprised that this has come back onto the docket. I thought it was made very clear that we do not want extra density and height to change the beauty of our city. And third just because you say the building will fit the village of the city, it does not necessarily mean it will fit the village of the city.

Steve Friedman – 235 N.E. 1st Street

I live a few blocks from this proposed project. I am also the President of Astor Condos. I think change is ok, and after speaking with Mr. Edwards I think they are the best developer for the project. This project is going to happen, how it is going to happen and when. We are in need of more boutique shops as there are plenty of restaurants at present. I think that people need to step back and look at this project as change and I think that this project is the one to make it happen.

Douglas Feldman – 346 N.E. 8th Avenue

I think this is a great project, but I am not in favor of the increased density and height. I live in the Palm Trail area and 7th and 8th is main street where there are children, people walk their dogs and I am concerned with the traffic that will increase from this development. If people cannot enter off of 1st or 2nd then they are coming down my street. Please take all this into consideration.

Jay Jacobson – 222 N.E. 8th Avenue

Mr. Jacobson has asked for the site plan to be put up on screen. I live about 880 ft. away from this development. To introduce myself, I am a national partner for the largest apartment developer in the United States and in Delray Beach. What I am most concern is the site plan. They are looking at this development as a single site, which I don't think that is possible. There is no cross parking, no cross access, there is no cross anything. But if you look at both sides on a separate basis, the building is severely under parked; with no access and the entire parking has access by one entrance and one exit. From the site plan they are proposing a shared parking and that with mixed use development without high density transportation does not work. We do not have that.

Henry William – 310 N.W. 3rd Avenue

I have been here in Delray Beach since 1949 and I have seen change. He is really concerned with the traffic that will occur from this development. Mr. William gave us his knowledge on parking and safety.

Mary Renau – 1017 Bucida Road

I am president of BPOA. This project is not in our jurisdiction but in 2005 when the project wanted to go to 60 feet, and BPOA has talked to the City on all variances.

Bob Ganger – Former President Florida Coalition for Preservation

I am half speaking here representing the coalition, but want to be here to preserve the quality of life for the people who live here in Delray. Having more density is going in the wrong direction. But the developer here has a terrific reputation, very solid and builds great projects. I believe that the board disapproved a conditional use. Mr. Ganger asked for verification from Terrill Pyburn.

Terrill Pyburn – Assistant City Attorney – responded that Conditional Use goes through the City Commission.

Mr. Ganger asked the board to go against the project, and is sure that the developer will come back with what we want.

Claudia Willis – 160 Marine Way

Ms. Willis quoted Policy #C-4.2 of the Future Land Use. Ms. Willis went on to say that over 200 people attended this Treasure Coast Regional Planning Study. The study stated that world class tourist destinations have great streets which create unforgettable mental images and stress the importance of the future of Atlantic Avenue. For more information view the cities website.

Anna Bierstock – 417 Palm Trail

Ms. Bierstock said how she loves Delray Beach and has been here for 31 years. I love that I have three different ways to get to the beach. Atlantic Avenue is such a special place and Boca never had anything like this. We need more space in front of business, so we can have more space to walk and enjoy the front of the stores. We do need more multi use property, but also look at the small shops that can't be there anymore.

Michelle Amiel – 809 N.E 1st Street

I am a resident of Delray Beach. I am also representing two other people. They are Michael Singer an architect and Jason Bregman from the SPRAB Board. Everyone's concern is height but my concern is underground. What will happen when the project starts to go underground?
We will submit to the record a letter of agreement from Michael Singer and Jason Bregman.

Vin Nolan – Economic Development Director for the City of Delray Beach and the Delray Beach CRA

I am here in favor of this project. Besides myself, a lot of other people have been wondering what is going to happen to that piece of property. We can deliberate about this project, but this board has already been through this and has approved it. These developers have restarted this project and if they don't get the increase in density, we will not get the office space that we desperately need. Our community has a demand for Class A office space and I have turned away a lot of people that want relocate their business on a monthly basis because we do not have the Class A office space for them. To build this project with the increase density and to pay for it we need to generate the cash flow. We need to look at this quality product and give it your consideration.

Public Comments – None

Cross Examination from Staff – None

Rebuttal from the Applicant

Jeff Edwards mentioned that one of the studies that was mentioned is the Treasure Coast Regional Planning Study. It is on the website and Jeff would encourage you to take a look at this. This study is full of references that it be absolutely critical to increase residential density in the downtown core district.

Board Discussion

Mr. Durden – I am new to the board, but I heard that Delray is a place nobody wants to live in, to everyone wants to live here. I hear from the comments that maybe the problem is not the increase density and height, but redirect this project to a traffic study. Also a concern is the entrance to Veterans Park, and the shared parking. I think the site plans needs a rethink especially along Atlantic Avenue where it gets backed up with so much traffic.

Mrs. Shutt – I have seen so many changes since I first came to Delray Beach. I am glad that something is being done, but it needs to be done with respect to the other buildings adjacent to and surroundings. The density and mass has a huge impact on which way this will go in the community. A concern on school concurrency and what kind of units will be available. Obviously the smaller units will be marketed toward the single non-family residents. Another is a mass transit plan. Trying to lessen the single user automobiles. And a question on drainage, and the open area in the back of the building. Are they going to use that area for drainage or what is the plan? Mrs. Shutt has asked the applicant to supply more detail.

Dr. Spodak added to all the comments that he had heard and he felt that the thing that he is most concerned about is the walkable feel here in Delray. That the mass will take away from this downtown Delray feel. He feels that at the very minimum, what should be required from the developer is to ask for the LEED certification.

Mr. Durden wanted to add that he wanted the developer to take another stab at this project. And also, when we do a conditional use, we need to look at all these comments that have been brought up and take that into account.

Mr. Franciosa stated that with all the information and the many blueprints and comments we should postpone our decision with some further direction.

Mr. Durden thinks that this is a great idea, but further direction is needed.

Mr. Lynch commented that he is happy that the developer has taken on this project as this property has had development and redevelopment for some time. I have no problem with the height but it is the density that I have concern. With increase in density and more single families there is still the concern of traffic.

Mrs. Shutt stated that she felt that the county should be planning for the density of what is given to each city. The developer is asking for more and how does that work with the schools. We also don't want something built that won't be marketable.

Mr. Lynch concurs with Mrs. Shutt.

Mrs. Shutt said that the developer needs to be careful on the design and not have it look like Manhattan.

Dr. Spodak concurs with Mrs. Shutt.

Mr. Durden compares this with Misner Park, City Place and what they have in common is that people like to be where everything is going on.

Mr. Lynch asked the developer if they had any comments for what the board has discussed.

Jeff Edwards said that a lot of the suggestions that came from the Board are reasonable. Some things are not clear or misleading from the plans as it is small. Also, some of the things that were said by others that were not factual, but we will deal with that later in the event that we made a mistake.

Dr. Spodak commented on the fact that it seemed that this project was designed for a different environment. I think the community might be more receptive if the building would integrate the surrounding areas.

Jeff Edwards said we do have people here tonight from the Traffic Department.

Adam Kurwith – Kimley- Horn and Associates

The traffic study was approved by Palm Beach Traffic Division. The study has had 3 comments, technical and graphical comments. These were addressed and approved.

Mr. Lynch said that it seemed that the Board was leaning toward postponement.

Terrill Pyburn explained the process if postponed vs. if application was denied.

Mrs. Shutt stated that to make a motion with conditions.

Mr. Durden said that with the complexity of this issue and concerns, it would be good to give the applicant some direction.

MOTION/FINDINGS

Mr. Hansen move a recommendation to postponed the decision till further notice.

Terrill Pyburn asks for clarification that it is written in the staff report that there are two motions to vote on. Are you Mr. Hansen making a recommendation on both height and density?

Mr. Hansen responded Yes.

Mr. Hansen moved a recommendation to postpone the decision of height and density. Seconded Mr. Durden. Both votes are being combined.
Motion made by Mr. Hansen, seconded Mr. Durden and approved for postponement 7-0.

Break in meeting: 9:25pm
Reconvene: 9:35p

D.Ordinance 32-12: City-initiated Amendment to the Land Development Regulations Section 4.6.9(E) (3) "In-Lieu Fee" to reduce the in-lieu fee amount from \$15,600 to \$7,800 for those properties within the Old School Square Historic Arts District (OSSHAD) located south of the east-west alleyway within Block 69.

Mark McDonnell asks for a recommendation from the Board for Ordinance 32-12. This was introduced to the board at last meeting. Mr. McDonnell described the proposal to the Board and entered the ordinance into the record. He advised that staff recommends approval on this item. The in-lieu of parking fee for properties within the OSSHAD (Old School Square Historic Arts District) zoning district, with the exception of Block 69, is \$7,800. Block 69 requires an in-lieu of parking fee in the amount of \$15,600, which is the same as parcels located west of the Intracoastal Waterway which are zoned CBD or CBD-RC.

The **Historic Preservation Board (HPB)** considered Ordinance 32-12 at its September 19, 2012 meeting, where a recommendation of approval was made to the Planning and Zoning Board, with the revision that properties classified as contributing within Lots 1-6 are subject to the lower in-lieu fee of \$7,800. Note: There are six buildings which front East Atlantic Avenue, two of which are classified as contributing, and four of which are recommended to be reclassified to contributing from non-contributing. In 2010, the four property owners requested that they not be reclassified, and the City Commission approved this request. The uses within the non-contributing buildings are restaurant, stand-alone bar, and retail (art gallery). The uses within the two contributing buildings are restaurant, retail, personal services (salon), and office.

The **Parking Management Advisory Board** will consider Ordinance 32-12 at its September 27, 2012 meeting. The recommendation will be forwarded to the City Commission.

The **City Commission** will consider Ordinance 32-12 at its meetings of October 2, 2012 (First Reading) and October 16, 2012 (Second Reading).

BOARD COMMENTS - None

PUBLIC COMMENTS

Butch Johnson – 32 East

I am here representing lots 1-6 on this block. Lots have been taken out of OSSHAD and then put back in excluding the 6 lots. We feel we should be treated in the same way.

Mr. Durden agrees with Mr. Johnson.

Rodney Mayo – tenant of Ms. Johnson and Tryst. This all came about because we want to switch from a night club to a restaurant and we need additional space for kitchen and storage. It then was confusing about the parking fee. It seems we have met all the OSSHAD regulations.

Mr. Lynch wanted to clarify that what the city wanted was to reduce the parking fee but excluding the 6 lots that are directly on Atlantic Avenue.

Mr. Dorling stated that last month it came and we had a discussion, but you initiated an everything south of lots 1-6. The 1-6 block is subject to the CBD Uses and Regulations. They are not subject to OSSHAD. Also, the 1-6 lots should be in “contributing properties”.

Dr. Spodak asked if there were any updates on the property.

Mr. Dorling said he was not aware of any details at this time.

Dr. Spodak asked is it normal that from time to time things like this would happen where whole areas or blocks of areas are reclassified?

Mr. Dorling said that there are only a couple of cases that this happened.

Dr. Spodak asks that if they operate in their current use there would be no additional cost.

Mr. Dorling said the only changes would be if they had additional space added.

Mrs. Shutt asked if the in lieu fees go into a certain account, or how does this work.

Mr. Dorling said that it goes into an individual fund which is required to be spent within the area that it is collected.

Mr. Durden suggested that there be a postponement.

Terrill Pyburn explained that a postponement and then to City Commission. Her suggestions to the board would be:

By motion, recommend for approval to the City Commission approval of Ordinance 32-12 for an LDR amendment to Section 4.6.9(E), to reduce the in-lieu of parking fee from \$15,600 per space to \$7,800 per space for all lots within Block 69, including Lots 1-6 if they are classified as contributing for P & Z .

Motion made by Mr. Durden, seconded Mr. Franciosa and approved 7-0.

C. CONSIDERATION OF A CITY-INITIATED AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS (LDR), AMENDING SUBSECTION 4.3.3(ZZZ), "TRANSIENT RESIDENTIAL USES", IN ORDER TO CLARIFY PROHIBITIONS, EXEMPTIONS/EXCEPTIONS, WAIVERS, AND PENALTIES FOR SAME; AMENDING APPENDIX "A", "DEFINITIONS", IN ORDER TO AMEND THE DEFINITION OF "TRANSIENT RESIDENTIAL USES".

Mr. Dorling presented that you have a revised ordinance with minor changes. The changes are in the caption. Should read: "Amending sub-section 4.4.6(B) Principal Use and Structure Permitted to Remove Transient Residential Uses as a Principal Use."

Then on Page 6 of that same ordinance you would cross out "of Transient Residents Use as a principal Use".

Mr. Dorling described the changes to the Board and into the record. He advised that staff refer to the staff report.

Mr. Durden asks if the date was being amended.

Mr. Dorling stated no, and it is staying the same.

PUBLIC COMMENTS – None

BOARD DISCUSSIONS – None

Recommend approval to the City Commission of the amendment to Land Development Regulations, modifying Subsection 4.3.3(ZZZ), "Transient Residential Uses", in order to clarify prohibitions, exemptions/exceptions, waivers, and penalties for same; and amending Appendix "A", "Definitions", in order to amend the definition of "Transient Residential Uses, 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 approved, second 7-0

VII.A Pompey Park Pool Improvements (1101 NW 2nd Street) Parks and Recreation Department will discuss the application for a Florida Recreation Development Assistance Grant (FRDAP) which will include installation of a splash pad, benches, umbrellas, tables, etc.

Alberta Guam – Recreational Superintendent

We are applying for a FRDAP grant (Florida Recreation Development Assistance Grant) to reconstruct the waiting pool. This reconstruction needs to be in compliance by January 2013. This project will not be completed for another year.

B. Veterans Park Improvements (802 NE 1st Street) Parks and Recreation Department will discuss the application for a Florida Recreation Development Assistance Grant (FRDAP) which will include the renovation/replacement of wooden playground equipment, benches, tables, etc.

Applying for a grant FRDAP (Florida Recreation Development Assistance Grant) of \$500,000. This project would need to be completed in 2013. The playground needs to be completely rebuilt. Suggestions that they stay away from all wood, as wood does not comply with standards.

C. Board Members

Parking Management Advisory Board (PMAB) – None

D. Staff Comments

Mr. Dorling wanted to get a consensus on having your packages email to you in an electronic format. They would be given to you in a CD. Please let Rebecca know if this is what you want.

Mr. Lynch asked if you can bring your laptop to the meeting.

Mr. Dorling said that you can and they are trying to push for this.

Mr. Dorling explained next month's meeting agenda. Atlantic Plaza and Beachway will be returning, Master Development Plan for the new Chase Bank in Delray Square, a final subdivision Plat for single family lots, Delray Place, conditional use for a social club at Delray Town Center.

ADJOURN

The meeting adjourned at 10:32 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 **September 24, 2012** which were formally adopted and approved by the Board on **January 29, 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