

MINUTES OF THE PLANNING AND ZONING BOARD

PUBLIC HEARING/REGULAR MEETING

CITY OF DELRAY BEACH
DELRAY BEACH, FLORIDA

MEETING DATE: May 21, 2012

LOCATION: CITY COMMISSION CHAMBERS

MEMBERS PRESENT: Mark Krall, Craig Spodak, Connor Lynch, Gerry Franciosa, Clifford Durden, Cary Glickstein and Jan Hansen

MEMBERS ABSENT:

STAFF PRESENT: Paul Dorling, Mark McDonnell, Brian Shutt and Denise Valek

I. CALL TO ORDER:

The meeting was called to order by the Chair, Mr. Glickstein at 6:00 p.m. Upon roll call it was determined that a quorum was present.

II. MINUTES

Motion made by Mr. Franciosa, seconded by Mr. Lynch, and approved 7 to 0 to move approval of the April 16, 2012 minutes as written.

III. COMMENTS FROM THE PUBLIC: None

IV. DISCUSSION ITEMS

Gary Glickstein, Chair welcomed Mr. Jan Hansen to the Board.

A. Election of Officers

Following discussions regarding the procedure for the Elections of Officers, it was moved by Mr. Glickstein, seconded by Dr. Spodak and passed on a 7 to 0 vote to elect Connor Lynch as Vice Chair. Further, it was moved by Mr. Glickstein, seconded by Dr. Spodak and passed on a 7 to 0 vote to elect Mark Krall as 2nd Vice Chair.

V. PUBLIC HEARING ITEMS

A. City-initiated rezoning from RM (Medium Density Residential) to CF (Community Facilities) for two parcels of land located on the east side of SW 12th Avenue, approximately 106 feet north of SW 2nd Street for the Neighborhood Resource Center Expansion and Pocket Park.

The request involves a rezoning from RM (Medium Density Residential) to CF (Community Facilities) for Lots 9 & 10 Block 6 Atlantic Gardens Delray Subdivision to accommodate the City of Delray Beach Neighborhood Resource Center Expansion. The RM zoning district does not allow neighborhood community centers as either a principal

or conditional use, thus a rezoning application is being requested by the Delray Beach CRA to change the zoning designation from RM (Medium Density Residential) to CF (Community Facilities).

The subject property consists of approximately 13,939 square feet. The property previously contained a 2,514 sq. ft. multiple family dwelling which was built in 1967. This structure was demolished on July 8, 2011. The site is currently vacant.

Immediately to the south of this parcel are the City-owned Neighborhood Resource Center and Community Land Trust (CLT) offices. These facilities serve as community centers, designed to assist residents with building stronger, safer communities by empowering residents through workshops to build leadership skills and providing assistance to residents tailored to the needs of the community.

Given the success of these facilities, the City now desires to expand the Neighborhood Resource Center to complement the existing neighborhood services in the area.

The expansion will occur on property immediately north of the existing Neighborhood Resource Center, which was rezoned from RM to CF, by the City Commission on June 20, 2006 through City Ordinance No. 32-06. The expansion of the existing Neighborhood Resource Center further supports the commitment of the City Commission to create quality neighborhoods where people want to live through citizen involvement in the decision-making processes, and collaborative partnerships.

Furthermore, the requested CF (Community Facilities) zoning is of similar intensity as RM (Medium Density Multiple Family Residential), and is more appropriate for the property based upon current circumstances particular to this site and neighborhood.

With respect to Concurrency, no issues are anticipated, traffic will not impact the surrounding street network, with respect to additional waste, the Solid Waste Authority has indicated that its facilities have sufficient capacity to handle all development proposals until the year 2047. Finally, no findings are required for schools and parks and recreation for non-residential uses.

Regarding the Future Land Use Map designation, the CF zoning is consistent with all land use designations. As the site is located within the Southwest Area Neighborhood Redevelopment Plan and future development shall be consistent with the plan and the Land Development Regulations and no problems are anticipated.

Courtesy Notices:

Courtesy notices were provided to the following homeowners associations:

- Neighborhood Advisory Council
- Delray Citizens Coalition
- Atlantic Park Gardens

Public Notices:

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

At this time Mr. McDonnell entered the project file into the record.

Questions to Staff

Mr. Glickstein inquired if the CF zoning requires an amendment to the Future Land Use Map.

Mr. McDonnell advised that the CF zoning is consistent with all land use designations.

Mr. Franciosa inquired as to the surrounding improvements with respect to the parking lot on Lot 12.

Mr. Durden inquired as to the parking demand and with access off the alley will sufficient parking be provided.

Mr. McDonnell advised that the requirements of the Land Development Regulations will be evaluated for compliance once a site plan application is submitted.

Mr. Franciosa inquired as to the location of the pocket park.

Mr. McDonnell advised that the proposal does not include a pocket park.

Applicant

Lula Butler, Director, Community Improvement Department provided an overview of the services of the Neighborhood Resource Center and advised that the center serves in excess of 250 residents each month. Ms. Butler further stated that the City is working on a comprehensive plan "Community Solution Action Plan" for the neighborhood and these services will be housed in this facility and that the CRA (Community Redevelopment Agency) will be providing design services for the project.

Public Comments:

Ms. Ann Stacy Wright sought clarification if there will be a pocket park and advised that she supported the proposed expansion of the neighborhood center.

Ms. Christina Morrison stated that the City should preserve the residential neighborhood and that the community facility use borders on a commercial use and that ample commercial property already exist within the CRA district.

Public Hearing Closed

Board Comments:

Mr. Glickstein inquired if a 500' public notice was provided and if there were any public comments in addition to the statements made at the meeting.

Mr. McDonnell advised that the 500' notice was provided and that no public comments were received.

Mr. Franciosa advised that the Neighborhood Resource provide a service to the community and that traffic should not be a problem and supports the rezoning.

Mr. Glickstein advised that he concurs with Mr. Franciosa that the use is not a commercial use that it serves the community and no one from the community has voiced an objection.

Mr. Durden advised that he would like to see the site plan with a parking analysis that addresses how parking will be accommodated.

Mr. Glickstein clarified that the site plan would be acted upon by the Site Plan Review and Appearance Board and inquired if a parking study would need to be conducted.

Mr. Dorling advised that a specific parking study would not need to be conducted, however, additional spaces may be required to accommodate the impact.

Prior to the vote Mr. Shutt inquired if a parking study was required by code.

Mr. Dorling advised that the parking study was not required by code for this development and a parking analysis could be conducted during the site plan review process.

Mr. Glickstein advised that the requirement for a parking study was an ominous requirement and that staff could provide the parking analysis.

Mr. Dorling advised that with the parking provided by the CRA in the area he does not anticipate a parking problem.

Motion:

Motion made by Mr. Durden, seconded by Mr. Lynch, and moved 7 to 0 to recommend approval to the City Commission of the request for rezoning from RM (Medium Density Residential) to CF (Community Facilities) for the subject property, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is *consistent* with the Comprehensive Plan and the Southwest Area Neighborhood Redevelopment Plan, and does meet the criteria set forth in Sections 2.4.5(D)(5), 3.1.1 and 3.2.2 of the Land Development Regulations.

- B. Consideration of amendments to the Land Development Regulations (LDR) regarding the duties, powers, and responsibilities of the Historic Preservation Board (HPB); procedures for obtaining a variance from the HPB; provision of required HPB review for properties listed on the Local Register of Historic Places within applicable zoning districts; clarification of procedures for historic designation; clarification of development standards for properties listed on the Local Register of Historic Places; creation of "Local Register of Historic Places"; clarification of procedures for tax exemptions for historic properties; clarification of criteria for changes of historic designation and/or classification.
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Mr. Dorling advised that the primary intent of the LDR Amendments contained within Ordinance 01-12 is to provide clarification and reorganization of existing language in the LDRs. The affected sections include:

- Section 2.2.6, Historic Preservation Board: Clarification and/or reorganization of existing language.
- Section 2.4.7(A), Variances: Clarification of procedures for HPB review of variances and provision of criteria utilized by the HPB. Criteria presently located within Section 4.5.1.
- Article 4.4, Base Zoning District: Provision of language within each applicable zoning district stating that properties listed on the Local Register of Historic Places are also subject to Section 4.5.1.
- Section 4.5.1(C)-(H), Historic Preservation Sites and Districts: Clarification and/or reorganization of existing language pertaining to historic designation procedures, development standards for historic properties, relocation of historic structures, and the Visual Compatibility Standards applied to proposed development.
- Section 4.5.1(I), Historic Preservation Board to Act on Applications Other than Certificates of Appropriateness: Repeal of this Section with language appropriately relocated to Section 2.4.6(D).
- Section 4.5.1(J), Historic Preservation Board to act on Variance Requests: Repeal of this Section with language appropriately relocated to Section 2.4.7(A).
- Sections 4.5.1(K)-(L), Designation of Historic Sites, Designation of Historic Districts: Repeal of these Sections and creation of Section 4.5.1(I), Local Register of Historic Places which combines all properties historically designated either as a district or individually and listed in order of designation.
- Section 4.5.1(M), Tax Exemption for Historic Properties: Repeal of this Section and creation of Section 4.5.1(J) through revision and clarification of existing language.
- Section 4.5.1(N)-(O), Criteria for Change of Historic Designation and/or Clarification, Procedures for Change of Historic Designation and/or Clarification: Repeal of these Sections and creation of Section 4.5.1(K)-(L) through revision and clarification of existing language.

Question to Staff

Mr. Glickstein inquired if “floor area” was defined in the code.

Mr. Dorling advised that “floor area” was defined in the definition section of the LDRs.

Mr. Glickstein inquired as to the implications of the word “discouraged” with respect to the use of non-historic and/or synthetic materials when viewed from the right-of-way and if it is a very high bar to overcome.

Mr. Dorling advised that such requests would be considered on a case by case basis and under some circumstances staff may not support such requests but the decision is ultimately up to the Board.

Mr. Glickstein inquired why metal garage doors are discouraged as it is very difficult to obtain a garage door that is not metal and suggests revisions to allow the use of a metal door with certain applique so that it does not give the appearance of a metal door.

Mr. Dorling advised that staff will take another look at that section.

Mr. Glickstein inquired if paragraph (c) of proposed Section 4.5.1(E)(8)(a)(2)(c) should be waived in addition to paragraphs (a) and (b) above.

Mr. Franciosa questioned the composition of the Board and the requirements for at least five seats to be specific professionals.

Public Comments: None

Board Comments

Mr. Krall inquired about procedures for reclassification and challenges that arose from certain property owners with respect to reclassification, and further, if there will be a historic survey conducted every five years.

Mr. Dorling advised that with the recent historic survey and reclassification efforts, the City Commission had given the property owners who had objected the option to opt out of the reclassification process.

Mr. Hansen inquired if a specific owner has the option of not being classified as a contributing structure.

Mr. Dorling further advised that a new historic survey is conducted every five years and properties may be reclassified as contributing. The City Commission could accept the recommendations of the survey or make modifications to the recommendations of the survey.

Motion:

Motion made by Mr. Lynch, seconded by Mr. Hansen, and approved 7 to 0, to recommend approval to the City Commission, Ordinance 01-12, amending the Land Development Regulations, 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 the criteria set forth in LDR Section 2.4.5(M) (5) with the changes as recommended by Mr. Glickstein.

VI. Reports and Comments

A. Board Members

Parking Management Advisory Board – Mark Krall

Mr. Krall reported that the Parking Management Advisory Board considered updates provided by staff with respect to various scenarios and alternatives for fee based parking systems.

Dr. Spodak inquired if consideration was given to the introduction of a modern collection system so as not to be limited to the use of coins.

Mr. Krall advised that the use of a modern “state of the art” collection system was being looked at.

B. Staff

Meeting Dates for June

City Commission Meetings

Tuesday, June 5, 2012, City Commission Regular Meeting, 6:00 p.m., City Commission Chambers

Tuesday, June 19, 2012, City Commission Regular Meeting, 6:00 p.m., City Commission Chambers

PLANNING AND ZONING BOARD MEETING

Monday, June 18, 2012, Planning and Zoning Board Regular Meeting, 6:00 p.m., City Commission Chambers:

1. Master Development Plan for Bellantica Gardens, located at the southeast corner of West Atlantic Avenue and Military Trail.
2. Master Development Plan for the Marketplace at Delray, located at the northwest corner of West Atlantic Avenue and Military Trail.
3. Final Subdivision Plat for Villa Sobre Del Mar Plat, located on the south side of SE 5th Street at its intersection with SE 7th Avenue (lying west of the Intracoastal Waterway).
4. Conditional use request to allow the expansion of the Beachway Motel, located at 655 George Bush Boulevard.
5. Future Land Use Map amendment from MD (Medium Density Residential) to CC (Commercial Core) and rezoning from RM (Medium Density Residential) to CBD (Central Business District) for a 0.157 parcel of land located at 35 SW 10th Avenue.
6. Amendment to the Land Development Regulations regarding "Development Application" and "Permit" Fees.

▪ Project Updates

Mr. Dorling highlighted the upcoming projects.

Mr. Glickstein commented that while the City has worked hard to redevelop the north side of Atlantic (Pineapple Grove) there has been no effort to develop or brand the south side of Atlantic Avenue and suggested that if an area is given an identity it helps with its redevelopment.

Mr. Hansen noted that this is more akin to Place making rather than branding.

Mr. Dorling advised that if it is the Board's desire that it be coordinated with Marjorie Ferrer who is working on a branding for the overall Downtown Area.

Mr. Glickstein indicated that it is a good idea.

Mr. Glickstein stated that area has struggled and that it is incumbent on the City to offer direction.

Mr. Durden commented that discussions need to occur with respect to improving the area such as inclusion of street furniture and landscaping.

Mr. Glickstein inquired why a rezoning application is not accompanied with a site plan.

Mr. Dorling advised that specific site designs is not addressed at the rezoning level but rather during the site plan process as rezonings cannot be conditioned.

Mr. Glickstein disagreed that a rezoning petition cannot be evaluated concurrent with a site plan. Mr. Glickstein stated that from a developer's perspective, any developer applying for a rezoning has a proposal and to ask for a development plan is not an onerous requirement, and it will address the community's need for information. Mr. Glickstein further stated that he did not think that there were any legal obstacles to tie a rezoning to a specific development plan, and that while there may be changes between the rezoning action and SPRAB action, there is an administrative review.

Mr. Lynch stated that there is a lot of validity for knowing what the Board is voting on during a rezoning, otherwise there is the possibility to leave the existing zoning in place.

Mr. Glickstein stated that the provision of more information will serve the community best.

The Board had further general discussions with respect to evaluating a rezoning request.

Mr. Dorling indicated that staff will further review the Board's comments.

VII. ADJOURN

The meeting adjourned at 8:00 p.m.

The undersigned is the Secretary of the Planning and Zoning Board and the information provided herein is the Minutes of the meeting of said body for May 21, 2012 which was formally adopted and approved by the Board on July 16, 2012.

Jasmin Allen (for)
Denise A. Valek, Executive Assistant

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