

**MINUTES
PLANNING AND ZONING BOARD
CITY OF DELRAY BEACH
REGULAR MEETING**

MEETING DATE: September 21, 2015

MEETING PLACE: City Commission Chambers

MEMBERS PRESENT: Robin Bird, Steve Mackey, Mark Krall, Joycelyn Patrick (*newly elected*), Louis Smith (*newly elected*), Jay Jacobson and Joseph Pike.

MEMBERS ABSENT: Jay Jacobson and Joseph Pike

STAFF PRESENT: Mark McDonnell, Mark Stivers, Peter Anuar, Janice Rustin, Assistant City Attorney and Diane Miller, Board Secretary

I. CALL TO ORDER

The meeting was called to order at 6:00pm by Janice Rustin, Assistant City Attorney (*as the new officers had not yet been elected*). Upon roll call it was determined that a quorum was present. Ms. Miller swore in all who wished to give testimony on any agenda item.

CHANGES TO THE AGENDA – No Changes

II. MINUTES – August 17, 2015 - ***APPROVED***

III. ELECTION OF OFFICERS

Chairman

Nomination of Robin Bird

Motion made by Jay Jacobson, seconded by Joe Pike, and approved 7-0 to nominate Mr. Bird as Chairman.

Vice Chairman

Nomination of Mark Krall

Motion made by Joe Pike, seconded by Steve Mackey, and approved 7-0 to nominate Mark Krall as Vice Chairman.

2nd Vice Chairman

Nomination of Joe Pike

Motion made by Steve Mackey, seconded by Robin Bird, and approved 7-0 to nominate Joe Pike as 2nd Vice Chairman.

Parking Management Advisory Board

Nomination of Steve Mackey

Motion made by Joe Pike, seconded by Mark Krall, and approved 7-0 to nominate Steve Mackey as member of the Parking Management Advisory Board.

Alternate for Parking Management Advisory Board

Nomination of Joe Pike

Motion made by Steve Mackey, seconded by Robin Bird, and approved 7-0 to nominate Joe Pike as Alternate for the Parking Management Advisory Board.

COMMENTS FROM THE PUBLIC NOT ON THE AGENDA *(NOTE: Comments on items that are NOT on the Agenda will be taken immediately prior to Public Hearing Items. Speakers will be limited to 3 minutes.)*

Rent Talbot – 515 NW 12th Street

I came here tonight to express gratitude to the P&Z Board for great work on the 4th & 5th Delray Project. Sorry that the Commission overturned your decision but to the new board members, hold true to the process.

LAND USE ITEMS:

Aloft Hotel Plat (Samar)

The item before the Board is that of approval of a preliminary plat and certification of a final plat for a new mixed-use development to be platted as **Aloft Hotel**. The subject property is located on the west side of SE 5th Avenue, from SE 2nd Street to SE 3rd Street (202 SE 5th Avenue).

This plat is being processed pursuant to LDR Section 2.4.5(J), Major Subdivisions.

Mark McDonnell, Assistant Director of Planning and Zoning presented the item through a review of the staff report, Project file 2015-201.

Applicant's Presentation

John Dugan – Land Surveyor from Averon & Associates for the owner. I have no comments and agree with Mr. McDonnell's presentation.

Public Comments

Jim Smith – SAFE

Mr. Smith complimented the project and the owner on choosing Delray and coming to Delray and building.

Board Comments

Joe Pike appreciates that there is a suggestion of having a workshop on platting. I have indicated before that I am concerned with the process. I feel that it is too early to do anything final and nobody should be asked to consider a preliminary plat and a final plat in one sitting.

Robin Bird agreed and thought that a lot of people don't know the platting process.

Motion: It was moved by Mark Krall and seconded by Jay Jacobson to approve the preliminary plat, but that the submittal of a final plat is required to be processed separately.

Motion Carried 7-0

MOBIL VET 2U

The action before the Board is making a recommendation to the City Commission on a request for a Conditional Use to allow a Veterinary Clinic for MobileVet2U (dba West Ave Animal Hospital), pursuant to LDR Section 4.4.9(D)(14).

The veterinary clinic occupies two tenant bays within Delray Square I Shopping Center, on the northeast corner of West Atlantic Avenue and Military Trail (4997 West Atlantic Avenue, Units C and D).

Mark McDonnell, Assistant Director of Planning and Zoning presented the item through a review of the staff report, Project file 2015-200. Delray Square I is a part of the 34.06 acre Delray Square Master Plan which encompasses Delray Square I and Delray Square II. The subject tenant bay is located within the westernmost building of the Delray Square I shopping center. Delray Square I measures approximately 18.31 acres and contains 4 existing one-story structures totaling 169,592 square feet.

Applicant's Presentation

Jimmy Taggi, Sunshine Properties representing Michael Posner the applicant. I have no comments and agree with Mr. McDonnell' presentation. The only thing I want to say is that it is a pleasure to have Mr. Posner there and a good tenant.

Public Comments - None

Board Comments

Joe Pike asked if in the future we could have some checks and balances for these projects.

Mark McDonnell said yes he agreed and back some time ago I met with the agent and his assumption was that this was a medical office (podiatrist) and was going to a vet office and this would be like for like type of use. Our code looks at vet offices differently, but he made application, was issued his permit and then went in and started renovating the building. Later on in the process one of the forms said 'vet office' and that is when someone identified it. So with the investment that he had made we issued a temporary CO.

Robin Bird said that in the future this should have been caught at a plan reviewer stage and look at the fire plan review application, cause that will tell you what it is going to be on the inside. If not then you can do a zoning certification process.

Motion: It was moved by Mark Krall and seconded by Joe Pike a recommendation of approval to the City Commission for a Conditional Use to allow a veterinary clinic of Mobil Vet2U (dba West Ave. Animal Hospital), 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 for the in Section 2.4.5(E)(5), and Chapter 3 of the Land Development Regulations.

Motion Carried 7-0

AMENDMENTS TO LDR-TO PROMOTE TREE PRESERVATION

This is a recommendation to the City Commission regarding a City-initiated amendment to the Land Development Regulations (LDRs) to promote tree preservation through increased mitigation requirements, and elimination of certain exemptions currently available to new developments.

Peter Anuar – Landscape Planner presented the item through a review of the staff report. This is a City initiated amendment to the Land Development Regulations (LDRs) to promote tree preservation through increased mitigation requirements, and elimination of certain exemptions currently available to new developments. The amendment is to LDR Section 4.6.19, Tree Ordinance.

Public Comments

Jim Chard, 401 SE 4th Avenue

Peter Anuar mentioned that 'Refoliate Delray' is a group that is going to preserve and extend our tree canopy. Now we have been renamed Delray Beach Re-leaf. I have been able to see a lot of site plans come through the City which start by wiping all the trees off and see the lack of staff that helps to preserve our tree canopy. I was asked by the City Commission and City Manager to do a study of what is happening to our trees, what benefits they provide to the City and what can be done about all of this. I have since then submitted a proposal that will be part of the goal setting plans next month in October.

BOARD COMMENTS

Steve Mackey asked what was it that caused this amendment to be written?

Peter Anuar explained that he could not mention names of developers but this did come from a certain development that came in through the Planning and Zoning process.

Robin Bird asked when a development is coming in are they submitting a tree survey and tree appraisal?

Peter Anuar said not necessarily a tree appraisal but they are required to submit a tree disposition.

Joe Pike asked questions about the proposed changes. He mentioned that he looked at just paying in-lieu fees instead of relocating. The cost was \$28,000. Mr. Pike also talked about the size of the trees, planting within the easement regarding the utilities and the root barriers, what happens to the diseased trees

Mark Krall asked if a lot of the complaints are about the Black Olive Trees and the roots getting into the PCV pipes. Peter Anuar said yes, exactly, that and he had gone out to some homes and seen the problem. Maybe root barrier would work.

Louis Smith commented on the efforts people are making with this problem, and once a tree is removed and relocated, does the replacement tree have to be of similar species? Peter said no it does not.

Motion: It was moved by Joe Pike and seconded by Jay Jacobson to recommend of approval of Ordinance 22-15, “Tree Preservation, Protection, Enforcement and Maintenance” to the City Commission regarding the promotion of tree preservation and maintenance of the urban tree canopy, by adopting the findings and 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(M) of the Land Development Regulations.

Motion approved 7-0

10-YEAR WATER SUPPLY

This is a recommendation to the City Commission that they adopt Comprehensive Plan Amendment 15-WSP1 and the 10-Year Water Supply Facilities Work Plan.

Mark Stivers – Principal Planner presented the item through a review of the staff report.

Mark Shelton – 12740 Granby Parkway, Jacksonville, Florida

Fannie Howard – Kimley Horn

Mr. Shelton had a presentation of the Water Supply Plan.

PUBLIC COMMENTS – None

BOARD DISCUSSION

Robin Bird wanted to know how did this interact with the South Florida Water Management District. Process. Is this all part of this compliance permit? Ms. Howard said that is not part of the compliance permit but very similar and that is how we came to our numbers.

Motion: It was moved by Mark Krall and seconded by Joe Pike to recommend of approval of Ordinance 25-15, and that the City Commission transmits the 10-Year Water Supply facilities Work Plan and the proposed Comprehensive Plan Amendment 15-WSP1 to the Florida Department of Economic Opportunity for review.

Motion approved 7-0

REPORTS AND COMMENTS

Staff Comments– The next meeting is October 19, 2015

Board Comments - None

ADJOURNED

There being no further business to come before the Board, the meeting was adjourned at 7:45pm.

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 21, 2015** which were formally adopted and approved by the Board on **November 16, 2015**.

Diane Miller

Diane Miller

If the Minutes 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.

(These notes are abbreviated version of this meeting. The full dialog is available in audio at City Hall for anyone that would like the full information)