

**MINUTES OF THE PLANNING AND ZONING BOARD**  
**PUBLIC HEARING/REGULAR MEETING**

CITY OF DELRAY BEACH  
DELRAY BEACH, FLORIDA

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MEETING DATE: September 16, 2013

LOCATION: City Commission Chambers

MEMBERS PRESENT: Clifford Durden, Christopher Davey, Jordana Jarjura, Dr. Craig Spodak, Thuy Shutt

MEMBERS ABSENT: Derline Pierre-Louis, Jan Hansen (Not re-appointed yet)

STAFF PRESENT: Paul Dorling, Brian Shutt (City Attorney) and Diane Miller

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I. **CALL TO ORDER:**

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

II. **MINUTES:** None

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. **ELECTION OF OFFICERS**

Brian Shutt spoke on the procedures of the election. Mr. Shutt said that the normal process is that someone will make a motion to nominate a person for a position, there is a second and if the majority votes in favor of that the election of that person is done.

Jordana Jarjura spoke on the fact that she is new to the board and does not know everyone's background, if the board would go around that would be interested in the position, talk about themselves and why they are suited for this position.

Brian Shutt said that this would be up to the board.

Thuy Shutt spoke to say that usually for the position it would be seniority.

Clifford Durden nominated Craig Spodak as Chairperson, seconded by Thuy Shutt and Craig Spodak was elected Chair with a five to zero (5 to 0) vote.

Christopher Davey nominated Clifford Durden as Vice Chairperson, seconded by Thuy Shutt and Clifford Durden was elected Vice Chair with a five to zero (5 to 0) vote.

Craig Spodak nominated Thuy Shutt as Second Vice Chairperson, seconded by Clifford Durden and Thuy Shutt was elected Second Vice Chair with a five to zero (5 to 0) vote.

Appointment to Parking Management Advisory Board was postponed till October 21, 2013 Meeting.

IV. **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 1<sup>st</sup> Avenue

I want to first congratulate the appointments of the new members. I feel you all do a great job. There has been some discussion on the LDR's and changes and hope this will come forward soon. At the CRA board meeting last week, they only agreed to fund half of the cost.

V. **PUBLIC HEARING ITEMS**

A. Abandonment of a 10 feet wide alley right-of-way lying within the property located at 828 NE 1<sup>st</sup> Court. The alley right-of-way extends 78.80 feet south of NE 1<sup>st</sup> Court between Lots 27, 28 and 29, Seestedt-Stevens Subdivision. Quasi-judicial Hearing

Mark McDonnell entered project file No. 2013-207 ABR-CCA into the record.

The alley right-of-way was dedicated by the plat for the Seestedt-Stevens Subdivision, recorded in Plat Book 18, Page 3 of the Public Records of Palm Beach County, Florida. The alley is located between Lot 27 and Lots 28 and 29 of the subdivision. The applicant for the abandonment is the owner of the property at 828 NE 1<sup>st</sup> Court, which consists of Lot 28, Lot 29 and approximately 10.4 feet of the eastern portion of Lot 27. The plat, with the combination of these lots into one building lot, the alley is now located entirely within the applicant's property.

The alley does not contain any public utilities or provide access to adjacent properties. Part of the applicant's driveway and an air conditioning unit are located within the alley right-of-way. In effect this right-of-way does not function as an alley and is not needed. The City's Environmental Services Department has reviewed the request and has no objection to the abandonment. Florida Power & Light (FPL), Comcast Cable, Florida Public Utilities Company and AT&T have reviewed the request, and have no objection to the abandonment.

**Courtesy Notices:**

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

- Delray Citizen's Coalition
- Palm Trail

**Public Notice:**

Formal public notice has been provided to property owners within a 500' radius of the subject property and a notice was posted in the newspaper. The Planning Department has not received any letters of opposition to the abandonment. Additional letters of objection or support, if any, will be provided at the Planning and Zoning Board meeting.

Staff recommendation is to recommend the City Commission approve the abandonment of this alley way.

### **Applicants Presentation**

Christina Bilenki – Dunay, Miskel, Bachman & Blattner –representing Randi Walden. This is pretty much a cleanup item and it is in the entire boundary of the property. It currently has an AC unit on it and part of the driveway. Our client came to us and at that time we noticed it had a right of way into the property. So we are asking for the abandonment at this time.

**Public Comments** – None

### **Board Discussion**

Jordana Jarjura asked the applicant if it is common ownership between 28, 29 and 27.

Christina Bilenki said that on the plat the lots are 28, 29 and 27, but the right of way is entirely owned by the property as described as 828 NE 1<sup>st</sup> Court.

### **MOTION/FINDINGS**

Move a recommendation of approval of the request for abandonment of the alley located at 828 NE 1<sup>st</sup> Court, 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 Clifford Durden and seconded by Thuy Shutt. Said motion approved 5-0.

## **VI. PLANNING AND IMPLEMENTATION ITEMS:**

**A. Pompey Park Pool Improvements (1101 NW 2<sup>nd</sup> 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.**

**Pompey Park Pool Renovation** – FRDAP GRANT 2014 – 2015 (Florida Recreation Development Assistance Program)

**James Scala** – Superintendent of Parks and Recreation

We are applying for a grant through the Florida Recreation Development Assistance Program (FRDAP) for the renovation of Pompey Park Pool.

What we are trying to do for the park is: (1) bring the wading pool up to ADA compliance and (2) seek to add several water features that will attract and encourage more youth participation in our aquatics. The swimming pool is at this time ADA compliant, it is just the wading pool that is not in compliance. The swimming pool was constructed over 50 years ago, redone in 1995, which puts both of our pools in ADA compliance. It is just the wading pool that is not in compliance, and has never been renovated. The scope of the Pompey Park Pool project is to reconstruct the wading pool into an interactive zero depth entry and water recreation area.

Mr. Scala wanted to clarify to the board that the City is asking for \$356,500 for the total project, and our application amount is \$178,250, which is half of the amount. The CIP would then match our half of \$178,250.

### **Board Discussion**

Clifford Durden asked if there was an age restriction for this playground. Mr. Scala said there is no age limitation for the grounds and equipment.

Craig Spodak asked when you think this might be done after approved. Mr. Scala thought it might take at least a year. This is the 3<sup>rd</sup> time that the city has applied for this grant and we are moving steadily up the list. This time we have added some things that will make the proposal more attractive.

### **B. Veterans Park improvements (802 NE 1<sup>st</sup> 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.**

**Veterans Park Playground – FRDAP GRANT 2014-2015 (Florida Recreation Development Assistance Program)**

Alberta Gaum – Recreation Superintendent

Veterans Park is still well utilized and in the past years it has not been receiving the upgrades that it needs in keeping with the vibrant and similarity of our downtown Delray. The current playgrounds, which are constructed mostly out of wood and the age and salt air from the nearby Atlantic Ocean has more than worn out the two structures. The age of the playground is 20 years old and the cost to repair the existing wooden structure would be costly. This is our 3<sup>rd</sup> year that we are applying for this grant and the cost of this project is \$277,000 and Delray is paying half with the FRDAP matching half which is \$138,500.

There will only be one playground when updated with ages from 2 – 12 years, with a playground at one end and a water park at the other side. We have added a pour and place surface to replace the mulch that had been there for many years. It is safer for the children and will be more durable and the presentation will look nicer.

The scope of the Veterans Park Playground Project is to remove the existing structures; reinstall one playground structure for children. We also plan to increase visitor seating, picnic facilities and much more structure and unstructured activities for the children. A variety of materials will be used for the structure of this playground such as aluminum, steel tubing, slip resistant coating for increased footing, hardware will be stainless steel and all surfaces will be coated to prevent rust.

The new and enhanced playground attracts local residents, and our tourist population that frequent downtown Delray Beach.

### **Board Discussion**

Craig Spodak said that he is happy to see that we are trying to improve this area as it is falling apart. Also, at one time I thought that the Atlantic Crossing was going to contribute some money to help with the re-building.

Alberta Gaum said that she had talked to them about this contribution, but no specific amount was designated.

Paul Dorling commented and said that this donation was a condition of approval with Atlantic Crossing.

Craig Spodak asked about all the names on the fence and what was going to happen to that.

Alberta Gaum stated that they were going to try and contact the people and see if they want their piece of the fence back.

Craig Spodak also asked who was handling the PR of this project and Alberta said that it was internally through her department.

Jordana Jarjura asked what is the time frame for the grant application and award. Alberta Gaum said that we would know by next June 2014 if we were awarded and then it has to go through the federal government. Then you don't have to do anything until the next year.

### **Public Comment**

#### **Alice Finst – 707 Place Tavant**

I think it would be a mistake to give back the wood with the names on it. We try to be historic here in Delray, and we have people come and see their name and might say that is where I played once. It's a memorial and maybe they could come up with a way to put the fencing around the playground. People pay for the fence and they expected it to be part of the community. Another thing is the benches and tables. They are made of metal and when you sit on them they sink. Maybe a different kind of installation would help.

### **C. Response from the City Engineer to infrastructure recommendations collected from the public for consideration in the upcoming Capital Improvement Program**

Paul Dorling presented and said that on July 15, 2013 the board held a public hearing requesting the public to provide input with needed infrastructure improvements. We have the city's engineer, Randal Krejcarek here to address the comments that came out that meeting.

Mr. Krejcarek started by saying that the comments that were received were put into several different categories; Pedestrian, Bicycle, Road Ways, Storm Water, etc. What I want to do is go through all the general categories.

*Pedestrian* – Mostly all of the requests that we received were from the Barrier Island. We are working with SAFE to come up with where they do and don't want sidewalks. The general comment in the last 5 years is that we haven't had any money in the capital plan for sidewalks. It has just been a condition of the economy. We have put some sidewalks in with grant money that we have received. In next year's capital plan we have \$50,000 for sidewalks that the CRA has put in their budget for us to install sidewalks outside of the grant area, but within the CRA district.

There was a request for a pedestrian crossing on Federal Hwy near 12<sup>th</sup> Road, and we will pass that on to the DOT.

There was another request in regards to the signals on Atlantic Avenue. All the signals are maintained by the county and we have been in contact with them to look at these concerns, and they are in the process of reviewing them now.

There was a comment on the traffic calming on A1A and Atlantic Avenue. We talked with DOT and their policy is that they do not do traffic calming.

Several request on roadway and traffic regarding re-surfacing streets. We just finished a project this year where we went through and did a rating of each street and we hired a consultant who drove the streets and gave us a report. There were two streets in particular; Seacrest Blvd. north of 8<sup>th</sup> street and we put in for a grant and we were not in the top 3 to receive the money. We will try again next year.

There was another request for re-surfacing East Atlantic Avenue between northbound and southbound Federal Highway. That is actually part of the Federal Highway project.

Another request was a dedicated left turn for the east bound East Atlantic Avenue traffic. I talked to the county and they looked at the volume, and it did not warrant a protected left turn.

There were several requests for sharrows at different locations, and SAFE mentioned this at commission, and the Mayor said to make your own task force.

Craig Spodak said that there was a task force created called "The Human Power Delray", different from SAFE.

There were some requests for storm water enhancements, and there is one at Casaurina and Seasage, and there is a project going on right now.

Another request was for lighting on Lindell Blvd. and lightening that we do in residential neighborhoods, we ask that the neighborhoods endorse it first. We also have a process for installing sidewalks. One way to get them is to put money into our capital plan, the second is to receive grants, and the third way is for an assessment to the neighborhood that would like them.

### **Board Discussion**

Clifford Durden commented that he personally gave infrastructure input but doesn't see them; is there something for traffic calming for Chatelaine, and also for lighting in the Chatalaine development? I wanted to know if those requests had been considered.

Randal Krejcarek replied that the lighting would need to come from the neighborhood and we would give that to public works. In regards to the calming in the Chatalaine development and after looking at the traffic volume, we did not see speeds that would warrant additional traffic calming.

Thuy Shutt asked Mr. Krejcarek if any of the railroad intersection need hardening and is the city trying to budget some money for this as I heard that MPO will not be funding this.

Mr. Krejcarek said that he and Paul Dorling attending a recent meeting about the FEC railroad and it was especially about the railroad crossings. We are responsible for 11 crossing and based on the numbers that they gave us at the meeting it was approximately \$3.5.

Christopher Davey commented on the pedestrian areas. I am downtown a lot during the week and I know that the sidewalks are a problem and before we get into season, we might want to really look at this. Also, the new garage that is being constructed on Gladiola lot, the design of that will be in FY 2014 and Mr. Krejcarek said that he was correct.

Craig Spodak commented about the pedestrian traffic that we have here in Delray, and how lucky we are to have this. When we look at other cities they are not as nearly as dense as we are but yet they have lit walkways extending out from the city so it is important for us to really look at this. Mr. Spodak asked if there was some money in the CIP for sidewalks.

Mr. Krejcarek said that there is \$50,000-\$75,000 that the CRA has put into the budget especially for their district but outside the target area for sidewalks.

Craig Spodak said that the amount is way too low and that we need to focus on that area.

Thuy Shutt said that her concern is that we as a city are just recovering from some of our economic struggles, You need to find the funds and also look to see who has gone down in taxes. The city is pretty tight with funds and things like sidewalks might to also rely on some grant money.

**Alice Fist – 707 Place Tavant**

She said that she was the one who came to the P&Z meeting and made the presentation on city improvements. One of the issues that was brought up was lighting. We have plenty of street lights, but it's the power we do not have. So no more poles, just more power.

On Boulevard Chatalaine and Avenue Serrant, trying to maneuver in the traffic lane is very difficult, and the one off of Barwick Road is badly built.

**Bob Schwartz-555 SE 6<sup>th</sup> Avenue**

A week ago as part of the "The Human Power Delray", went and videoed sidewalks and bicycle paths on a route all the way to Village Academy. The reason that I am mentioning this is that while we were doing this we talked to people that were walking or riding on the street. They seemed not too concerned that there were not any sidewalks for them. With this we need to do a thorough investigation of the Oseola community and the West Atlantic Redevelopment to see what exactly the public wants.

**Jim Knight – 10 SE 1<sup>st</sup> Avenue**

I was out at SE 2<sup>nd</sup> and 2<sup>nd</sup> and the water is just stacking up out there. Another topic is there has been some discussion with the neighbors about the alley way turning out into the neighborhood and not commercial. Lastly, having an area along the tracks for bikes, carriages, and walking.

Mr. Krejcarek said that we currently have a project that includes an area on SE 2<sup>nd</sup> Avenue that we will have parallel parking near the concrete pillars and we will be getting rid of them. In regards to the alley, we are going to get with the police department and let them do a CPTED review.

**D.Consideration of a finding that the proposed Five Year Capital Improvement Plan for FY 2013-14 through FY 2017-18 and FY 2014 Capital Improvement Budget are consistent with the Comprehensive Plan.**

Paul Dorling presented this item to the board and requesting the board make a finding that the proposed CIP is consistent with the comprehensive plan and the backup that you have. This outlines several areas that deals with the CIP, Coastal Management which there is approximately \$4.7 million proposed for the next 5/years, recreation category in which \$5.4 million is proposed, beautification is \$3.59 million, housing \$5.07 million, utilities \$21.8 million, building \$26.85 million, and \$3.04 million transportation projects. The CIP takes us out to 5/years, the capital improvement budget is the first year of this plan and this is the first thing that

will be presented to the commission in the next meeting and is funded by the budget. We have the city engineer here tonight if you have any questions for him.

Ms. Jarjura asked if every year the 5/year budge gets accessed.

Mr. Dorling said yes that we do access this every year, and there are always additional projects that come in and then they get ranked at that time.

Ms. Jarjura said to understand, are all the critical items satisfied in the 5/year plan?

Mr. Dorling said that if you have too may critical items that can't be funded by what is available the first year, then they have to be moved out. We had \$2 million to deal with what was ranked the first year.

Craig Spodak asked is the dollar amount that is allocated, is that inclusive with the grants.

Mr. Dorling said yes, if there is a grant proposed, it will show up as a funded item.

### **Board Discussion**

Mr. Davey asked that when he looked under the automated meter reading, I assumed it was for the water.

Mr. Krejcarek said that was correct. What they were going to do is installed automatic meter readers and install towers so that the meters can be read. These funds will not come out of the general fund but out of the water/sewer fund. The idea is to have this funded over the next 5/years and have all the meters replaced.

Clifford Durden asked in regards to the budget, how do you prioritize the items?

Paul Dorling said that what we do is go line by line, item by item, and each department head would convey the importance of each item.

Mr. Davey asked that under the general capital improvements, FY 2014-15, the block 117 garage studies, I see that \$6.5 million has been allocated for this. Is this money for the Gladiola Garage that will be designed for next year? Mr. Dorling answered and said yes, this is the money that is funding the garage.

Mr. Krejcarek agreed but to be aware that this money is a loan, bank finance.

Ms. Jarjura asked that the FY 2013-14 we have \$2 million for critical items and Mr. Dorling said that this is new money. There is also money being funded from the CRA.

### **MOTION/FINDINGS**

Move a recommendation to make a finding that the proposed Five Year Capital Improvement Plan for FY 2013-14 through FY 2017-18 and the FY 2014 Capital Improvement Budget are consistent with the Comprehensive Plan.

### **MOTION**

Motion by Thuy Shutt and seconded by Clifford Durden. Said motion approved 5-0

## **VII. REPORTS AND COMMENTS**

Paul Dorling explained what will be coming before the board in the future and what you saw at the last meeting and the status of those items.

- a. Condition Use for The Strand, which is scheduled for City Commission action tomorrow night (September 17, 2013).
- b. Modification to the Board of Adjustment and the requirements of that board. The Planning and Zoning had a discussion to make sure that the at large spots were held and language be added that the spots not be filled by position that were required of the five people out of seven. Brian Shutt said to make it clear that the 3 spots do not have to be held open, but it was said by the Planning and Zoning board that the 3 spots be help open for lay people. And the language from the Commission was let us reduce the number down to 4 requirements.  
Clifford Durden commented that these 3 spots can be either professional or lay people.
- c. There was consideration that the CRA members would appoint the chair and vice chair on a yearly basis which was approved on 1<sup>st</sup> reading of City Commission.

At this time Paul Dorling presented what the board might see at the next meeting:

- Subdivision plat for Delray Village Square which is the site across from the old Costco on Linton Blvd.
- You may see an amendment that would prohibit ground floor uses on specific areas on Pineapple Grove. The first three blocks would prohibit them, and the first two blocks would allow 30% office component on the third block.
- There might be a conditional use for density as it relates to the downtown core.
- Three corrective land use and zoning changes related to the South Federal Highway Plan.

Thuy Shutt extended her congratulation and the board for the award that Paul Dorling received for the beach renourishment. A well-deserved award for a job well done for the City. Paul Dorling said that this was a public service award from Florida Beach Shores Preservation Association.

Also, along those same lines, hopefully we will be having another project extending from the end of the last project extending north to George Bush Blvd. At that point we will have renourished the entire beach within 2 years with the next project 10 years out.

Clifford Durden said that he would like to welcome our new members, Christopher Davey & Jordana Jarjura to the Planning and Zoning Board.

**IX. ADJOURN**

**Adjourned: 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 16, 2013** which were formally adopted and approved by the board on **November 18, 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.