



CITY OF BOYNTON BEACH PLANNING AND DEVELOPMENT BOARD MEETING AGENDA

DATE: Tuesday, April 25, 2023

TIME: 6:30 PM

PLACE: City Hall Commission Chambers

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Agenda Approval**
- 4. Approval of Minutes**
 - 4.A. Approve board minutes from the February 6, 2023, February 28, 2023, and March 28, 2023 Planning & Development Board meetings.
- 5. Communications and Announcements: Report from Staff**
- 6. Old Business**
 - 6.A. **Separated from CDRV 23-004 and tabled at the March 28, 2023 Planning & Development Board Meeting:** Approve modifications to existing uses amending the LAND DEVELOPMENT REGULATIONS, Chapter 3, Article IV, Section 3.D. Use Matrix to establish indoor athletic instruction/training uses as an accessory use (CDRV 23-006) within the REC (Recreation) zoning district.
 - 6.B. Discussion regarding the Annual Advisory Board Report content and date.
- 7. New Business**
- 8. Other**
- 9. Comments by members**
- 10. Adjournment**

The Board may only conduct public business after a quorum has been established. If no quorum is established within fifteen minutes of the noticed start time of the meeting, the City Clerk or her designee will so note the failure to establish a quorum and the meeting shall be concluded. Board members may not participate further even when purportedly acting in an informal capacity.

Decorum

Any person who disrupts the meeting while addressing the Advisory Board may be ordered by the presiding officer to cease further comment and/or to step down from the podium. Failure to discontinue comments or step down when so ordered shall be treated as a continuing disruption of the public meeting. An order by the presiding officer issued to control the decorum of the meeting is binding, unless over-ruled by the majority vote of the Advisory Board members present.

Notice

Any person who decides to appeal any decision of the planning and development board with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony, and evidence upon which the appeal is to be based. (f. S. 286.0105) The city shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in and enjoy the benefits of a service, program, or activity conducted by the city. Please contact the City Clerk's office, (561) 742-6060, at least forty-eight (48) hours prior to the program or activity in order for the city to reasonably accommodate your request.



CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

PLANNING AND DEVELOPMENT MEETING DATE: 4/25/2023

REQUESTED ACTION BY PLANNING AND DEVELOPMENT BOARD: Approve board minutes from the February 6, 2023, February 28, 2023, and March 28, 2023 Planning & Development Board meetings.

EXPLANATION OF REQUEST: N/A

HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES? N/A

FISCAL IMPACT: Non-budgeted N/A

ALTERNATIVES: N/A

STRATEGIC PLAN:

STRATEGIC PLAN APPLICATION: N/A

CLIMATE ACTION APPLICATION: N/A

Is this a grant?

Grant Amount:

ATTACHMENTS:

Type	Description
<input type="checkbox"/> Minutes	Minutes 02-06-23
<input type="checkbox"/> Minutes	Minutes 02-28-23
<input type="checkbox"/> Minutes	Minutes 03-28-23



DRAFT
MINUTES
PLANNING AND DEVELOPMENT BOARD
100 E. OCEAN AVENUE, BOYNTON BEACH, FLORIDA
TUESDAY, FEBRUARY 6, 2023, 6:30 P.M.

PRESENT:

Butch Buoni, Vice Chair
William Harper
Chris Simon (Left at 8:59 p.m.)
Courtlandt McQuire
Thomas Ramiccio, Alternate

STAFF:

Amanda Radigan, Planning and Zoning Director
Andrew Meyer, Senior Planner
Luis Bencosme, Senior Planner
Jae Eun Kim, Principal Planner
Sean Schwartz, City Attorney
Leslie Harmon, Prototype, Inc.

ABSENT:

Tim Litsch
Trevor Rosecrans, Chair
Jay Sobel

GUESTS:

Bradley Miller, Urban Design Studio, and Land Planner
Rob Singer, Time Equities
Kemissa Colin, Vice President of Development for Affiliated Development
Elliott Young, Senior Vice President with RINCA, Architect
Jeffrey Burns, CEO of Affiliated Development
Nick Rowe, President of Affiliated Development

The meeting was called to order at 6:32 p.m.

1. Pledge of Allegiance

2. Roll Call

Roll was called and it was determined a quorum was present.

3. Agenda Approval

Mr. Simon requested hearing Item 7D first and pushing staff items to the end.

Amanda Radigan, Planning and Zoning Director, explained those items are part of the Master Plan Amendment, which is why they are presented first. Modifications must be heard in order to hear the Master Plan. At final approval, they can take it out of order if the Board chooses, but there will be more information in those amendments that are pertinent to the Town Square.

Mr. Simon stated he is only available until 8:45 p.m.

Motion made by Mr. Simon, and seconded by Mr. Ramiccio, to approve the agenda as amended. In a voice vote, the agenda was unanimously approved (5-0).

4. Approval of Minutes

4.A. Approve board minutes from the 11/29/2022 Planning & Development Board meeting.

Motion made by Mr. Simon, and seconded by Mr. Harper, to approve the November 29, 2022 meeting minutes. In a voice vote, the minutes were unanimously approved. (5-0).

5. Communications and Announcements: Report from Staff

Amanda Radigan, Planning and Zoning Director, welcomed everyone to their first 2023 meeting. She made two announcements as follows:

- Lyman Phillips has resigned from the Board, so there is a vacancy for an Alternate position.
- An update was provided on a variance for the Pierce project at the November 29, 2022 meeting. The item was heard by the City Commission; however, it was tabled. The item will be moving forward with the rest of the applications for that project, and it will be heard in February and again in March.

Mr. McQuire clarified it was an eight-foot variance abutting another property and it will be heard again for a Second Reading.

Director Radigan stated the Planning and Development Board approved the project, and it was moved to the City Commission meeting and tabled to carry concurrently with the other applications. Today, the Board will hear everything from that project except for the variance since they already acted on it, and the variance will move forward to two City Commission meetings, which will be February 21, 2023, and in March.

6. Old Business - None.

7. New Business

- 7A. Approve modifications (CDRV 23-003) amending the LAND DEVELOPMENT REGULATIONS, Chapter 2. Land Development Process, Article II, Planning and Zoning Division Services, Section 2. Standard Applications, to establish a process for proposed Development Agreements.

Andrew Meyer, Senior Planner, provided a presentation regarding the Development Agreement Process Amendment as follows:

- Development Agreements allow the City to set terms and conditions of developments, which are typically used in large projects and/or in private public partnerships; otherwise, known as

P3's. Per State Statutes, Development Agreements can have terms of up to 30 years and freeze the City's development standards currently in effect for the length of the contract. The City does not currently have a process for Development Agreements, so any Agreements fall upon the minimum requirements set by Chapter 163 in the Florida Statutes.

- This proposed Amendment basically sets the Development Agreement Process within City code and allows the City to set additional standards above State Statutes. It includes three notable changes. First, to qualify, the project must be at least 15 gross acres to be eligible to enter into Development Agreements with the City; these are typically very large projects like Town Square and the Mall site. Second, it establishes submittal requirements of the State Statute including requiring a Master Plan or Conceptual Site Plan to be approved at the same time as the Agreement. Finally, it allows for flexibility within current standards to provide for alternative standards if approved by the City Commission.
- Alternative standards include establishing a public art fee within the Agreement, the ability to reserve utility capacity for water and waste water service for up to six years from the date of the Agreement at no developer cost, Master Plans or Modifications approved with the Development Agreement shall remain valid up to 24 months, and developers will have up to 72 months after a Site Plan approval as part of a Development Agreement to secure building permits.
- It is important to note that the City Commission chooses which, if any, alternative standards are made available in a Development Agreement. None of these options are going to be given by right.

Mr. Ramiccio mentioned #4, the 72-month timeline, and questioned if that is standard. It seems a little long after Agreements and Site Plans have been approved.

Mr. Meyer indicated these are going to be typically larger projects that have a longer timeframe hence the 72 months to capture that.

Director Radigan advised there are a couple reasons why they landed on 72 months. First, it is important to remember that Development Agreements are not necessarily per Site Plan, so there may be multiple Site Plans within one Development Agreement. For example, a Master Plan consisting of four different Site Plans, with part of that being flexibility for phasing of the Master Plan that is going to be sequential and not cause delays in the approval process. They are trying to front end it and allow them to have availability by right for a longer period of time. It is also important to note that since Development Agreements can have a life up to 30 years per State Statute, they are trying to maximize their development into elements as much as feasible for now. They want to make sure they are minimizing risk on both sides, so the City and developer know what they are contractually obligated to do.

Mr. Simon questioned the time of completion for the project and asked if what is currently in the code changing.

Director Radigan stated there is no flexibility. Once a Site Plan is vested, they must adhere to building permit timelines and meet certain inspections every six months to keep the project alive.

Mr. Simon mentioned phasing for the Site Plan approvals and asked if Phase 1 is approved if it has six years to go in for a permit and that is when the City seeks fines or delays in the project.

Director Radigan replied yes. It depends on the language of the Development Agreement; otherwise, it would rely on the code. The code would say that once the common order has expired, which is 18 months in normal cases, and in this case, it could be up to 72 months, time extensions are available and they would have to come to the City Commission and request those time extensions.

Mr. Simon stated if Phase 1 is approved, they go for building permits and then other Phases could take up to the 72-month period. He asked if they could come in for Phase II eight years later since they have approval for Phase 1.

Director Radigan advised every Development Order would have 72 months attached to it.

Mr. Simon asked if this is strictly for projects that are joint ventures with the City.

Director Radigan clarified this is strictly for projects going into Development Agreements, and it is still within the negotiation of the City Commission; it is not by right.

Attorney Schwartz swore in all individuals who wished to speak on any items.

Vice Chair Buoni opened discussion to the public. Hearing none, the public discussion was closed.

Motion was made by Mr. Simon, and seconded by Mr. Ramiccio, to approve Item 7A. In a roll call vote, the **motion** passed unanimously. (5-0)

Ayes: Harper, Simon, McQuire, Ramiccio, Buoni

Nays: None

- 7B. Approve modifications (CDRV 23-002) amending the LAND DEVELOPMENT REGULATIONS, Chapter 3. Zoning, to modify requires for commercial frontage within the Boynton Beach Boulevard Overlay.

Andrew Meyer, Senior Planner, mentioned that the Board reviewed and recommended approval for Commercial Frontage Amendment to the code in 2022 establishing those requirements and this is going to be an Amendment to that. This is very limited in scope and is only along Boynton Beach Boulevard between Seacrest Boulevard and Federal Highway. Any of the other corridors identified in the previous Code Amendment are not being touched as part of this, so this is specific to that section. These are adjustment terms unique to the Boynton Beach Boulevard overlay.

- The historical development pattern east of Seacrest Boulevard to Federal Highway is shifted towards Ocean Avenue and Downtown to focus those commercial uses and activity to that area. Boynton Beach Boulevard is more designed to move traffic between Federal Highway and

Seacrest Boulevard and also points west. Heavy traffic along Boynton Beach Boulevard should stay on there and not be routed through Ocean Avenue because they want to focus commercial and pedestrian friendly activities, etc. along Ocean Avenue.

- Previously approved projects along Boynton Beach Boulevard are already oriented towards Ocean Avenue and they orient more garage access and things of that nature along Boynton Beach Boulevard, so it requires an amount of frontage that might not create an acceptable cohesion along that corridor.
- The idea is to reduce the amount of frontage east of Seacrest Boulevard and west of Federal Highway, but not to completely eliminate it. It is currently set at 70% and the Amendment reduces commercial frontage from a 70% requirement down to 40% only along that corridor. The 70% commercial frontage requirement will remain along the remainder of the corridor from Seacrest to I-95.
- There is also an Amendment to eliminate the commercial frontage requirement along Seacrest Boulevard, which is a residential street, so requiring commercial explicitly in that overlay, which is about 300 feet north and south of Boynton Beach Boulevard, is not very conducive, but it will not prohibit commercial units from establishing within that area if a development comes in and chooses to do so.
- There is clarification on what is meant by minimum commercial space height. Previously, the code was vague and said ceiling height of 13 feet. Precisely, it is the vertical distance between the top of the first floor slab and the bottom of the second floor slab. The idea is that there is enough clearance to create quality commercial spaces. Ceiling is kind of ambiguous and can be measured either to the slab or to the finished ceiling, so they are clarifying that, so it is clear for developers.

Mr. McQuire asked if the ceiling height is currently 13 feet and if it is increasing or is the same.

Mr. Meyer stated the current code says 13 feet and they are just clarifying the beginning and ending of that measurement.

Mr. Simon commented that does not seem that high and noted a lot of retail and commercial spaces occupy 14 or 15 feet.

Mr. Meyer stated this is the minimum requirement; they want to provide a little flexibility because if it is set too high it might limit commercial in a way that might not be feasible.

Mr. Ramiccio understands the reason of flipping commercial towards Ocean Avenue and off Boynton Beach Boulevard. He mentioned commercial traffic entering and exiting onto Boynton Beach Boulevard and the short distance between the building setback and the edge of road and asked how the City will enforce traffic safety and if there is enough distance. He questioned if this wants to trigger the building setback further off Boynton Beach Boulevard.

Mr. Meyer advised this is not a change to the setbacks, this is only to the commercial frontage requirement. He is not a Traffic Engineer, so he cannot say whether their site visibility is adequate, but

these requirements do not relieve a developer from meeting site visibility requirements; all that is reviewed by the Engineering Department.

Mr. Ramiccio thinks they should go hand in hand because if they wanted heavy commercial presence on Boynton Beach Boulevard they have active space, sidewalks, passive areas, and then the buildings and different configurations. If they are eliminating that as part of the frontage on Boynton Beach Boulevard, then they should go hand in hand.

Director Radigan indicated that the active barrier requirement and the pedestrian requirements are being proposed to stay the same and those requirements can be satisfied in different ways depending on what is being constructed. There is an active area that would be required if commercial is proposed and the requirements in this Amendment are not going away, the frontage is being reduced from 70% to 40%. She still thinks it would be important to maintain an active area to use in conjunction with commercial spaces, but in the area where they are not abutting a commercial use, that space can be satisfied with enhanced landscaping with extended pedestrian ways. There are different mechanisms to use that space, depending on what they are abutting, but the space does not necessarily need to change.

Mr. Simon mentioned ingress and egress for vehicular traffic coming from Boynton Beach Boulevard and asked if there would be a minimum distance requirement between the two components if there is a potential of a restaurant with outdoor seating. If landscaping is being increased in those areas, it reduces visibility.

Director Radigan advised the code says explicitly if there is a side street, they shall not enter from Boynton Beach Boulevard. She thinks every project they have been approving on Boynton Beach Boulevard has access to the garages first, which is a block behind it, not from Boynton Beach Boulevard, to reduce conflicts between pedestrians and vehicles. The Engineering Department has a full set of engineering standards that talk about site visibility requirements and different scenarios. Through the Site Plan process, they would decide where it is safe for the spaces to be. The code does not say where the space needs to be, it just needs to front the road and it is a certain percent. It has flexibility built in to say this is an appropriate place for commercial space or not. All of that is reviewed on a site-by-site basis, but there is not verbiage regarding a set or minimum distance within the Land Development Regulations; those are housed within the Engineering handbook in the Engineering Division.

Mr. Simon agreed with the ceiling heights and thinks that could be considered. There are a lot of commercial spaces that are sometimes two stories or single floors with higher ceiling heights. Most developers will build with the minimum, so he thinks an increase would benefit the City in the long run.

Mr. Ramiccio recalled Director Radigan's presentation on the Board increasing the commercial engagement of those, especially on the main corridors, so something has changed. He asked why they are keeping it at 70% west of Seacrest Boulevard and why there is a reduction east. When he looks at that he sees the Time Equities project and asked if this is something specific to accommodate the hotel fronting Boynton Beach Boulevard. He also questioned the change of philosophy of what they want as a community from having more engagement regarding commercial. He noted that the Board recently changed the code to accommodate staff's recommendation and now they are slipping back. When

addressing this, Director Radigan made a comment that she did not think commercial should be on Seacrest Boulevard, but if commercial were to go on Seacrest Boulevard, he questioned if they would have to comply with the FAR and square footage engagement for commercial on Seacrest Boulevard. He asked what happens if Time Equities does not go through and if staff will come back to the Board because a new project came in and they want to go back to the engagement with the larger square footage. He asked if this is considered spot zoning and if they are doing this specifically for this project.

Director Radigan stated when the original amendment was done, it was done through a series of overlays, which are locationally driven. While staff stands behind those recommendations, she thinks their hindsight is 20/20 and a lot of projects within the Downtown area stretch from Boynton Beach Boulevard to Ocean Avenue. When projects do that, they are under two different overlays; the Boynton Beach Boulevard overlay and the Ocean Avenue overlay. They were having that requirement in multiple locations, which could cause some infeasibility within those areas. Historically, she would say that the City, for as far back as she can remember, had the goal of creating Ocean Avenue as their pedestrian commercial roadway. As much as they would like Boynton Beach Boulevard to be vibrant and pedestrian-friendly, it has some attributes that make it difficult; its width, scale, speed, and the number of vehicles make it less conducive for commercial frontage. Ocean Avenue has a much more pedestrian-friendly scale where people can outdoor dine, shop, and walk along the street without having vehicles speeding by them. She does not think it was a change in philosophy, she thinks they are being true to what the overall goal is for Ocean Avenue and the constraints of Boynton Beach Boulevard. She thinks this is a refinement of the initial amendment. Regarding spot zoning, since this is done through overlays it affects multiple properties. Several parcels in this area have been approved and if revised, they would need to meet current standards and a new development would also need to meet the new standards.

Vice Chair Buoni opened discussion to the public.

Attorney Schwartz swore in all individuals who wished to testify.

Mark Meyer, 633 Ocean Inlet Drive, Boynton Beach, Florida, was present as the INCA President; INCA is a non-profit. They have been in review of the Text Amendments and the proposed language and believe the percentages need to go in the opposite direction. They think it needs to go to 100%, and feel it is inconsistent with the existing Land Use; it is also inconsistent with what the public wants. The public did a survey six months ago with the CRA and the results were that people want retail restaurants, so a reduction is inappropriate. If speed is a concern on Boynton Beach Boulevard, which has a speed limit of 35 miles per hour, he recommended more speeding tickets be issued. He noted that traffic calming devices could also be used. He thinks this item should go back to the drawing board because it is not consistent. Everything to the west of Seacrest Boulevard is residential between I-95 and Seacrest Boulevard. People are going to walk to the main corridor, which is Ocean Avenue and the streets around it. He thinks 100% frontage would be appropriate with an option to relocate that to another area in the corridor or perhaps 50% frontage if they do two stories. He noted he is a Land Use Planner by trade and has a background in finance and construction, and mentioned the 13-foot height is minimal; after three feet of mechanical, plumbing, etc., they end up with a nine or ten-foot ceiling, which is not great.

Boynton Beach Vice Mayor Angela Cruz, suggested the Board look at the history and facts, and the fact that the Commission unanimously approved the 70% requirement all through Boynton Beach Boulevard on October 18, 2022, and again on November 14, 2022; it was a 5-0 vote.

Chuck Bagley, 210 SE 2nd Avenue, mentioned egress onto Boynton Beach Boulevard and questioned where traffic is going to go from 1st Street. He thinks commercial on Boynton Beach Boulevard makes much more sense.

Vice Chair Buoni closed public comments.

Motion was made by Mr. Simon, to approve Item 7B. **Motion failed** as there was no second.

Attorney Schwartz recommended the Board make a motion to approve or deny since this is an Advisory Board.

Motion was made by Vice Chair Buoni, to approve Item 7B. **Motion failed** as there was no second.

Motion was made by Vice Chair Buoni, and duly seconded, to deny Item 7B. In a voice vote, the **motion** passed unanimously. (5-0).

- 7C. Approve modifications to modify the existing methodology for the Payment in Lieu of Workforce Housing Units program; to include an FAR bonus; and to clarify the receiving areas for height, FAR, and density bonuses (CDRV 23-001) by amending LAND DEVELOPMENT REGULATIONS, Chapter 1, Art II. Sec. 2. C.II. In-Lieu and Off-Site Options (related to the Workforce Housing Program).

Luis Bencosme, Senior Planner, described the proposal for Workforce Housing Payment in Lieu Amendment. Staff is proposing minor changes to the existing Workforce Housing Program, which are intended to make existing Payment in Lieu a more attractive and a feasible option for developers. They want to do whatever possible to make this a more popular option. He provided a brief overview of the existing program as follows:

- The program is completely voluntary and is intended to encourage the construction and availability of much needed Workforce Housing for low to moderate income people by helping to offset the rising costs of land and construction with a provision of a density and/or height bonus.
- As an alternative to building Workforce Housing units, the program allows developers to make a monetary contribution to be used as a Housing Trust Fund with a Pay in Lieu option, which is based off a percentage of the total number of units proposed.
- The program has not been as successful as intended; it is largely underutilized and staff believes that is because of the existing payment methodology that requires developers to pay for more units than what will be provided through the program.

Proposed Amendments:

- Applicant is proposing to change how the Pay in Lieu fees are calculated. Instead of basing fees on a percentage of the total number of dwelling units constructed, developers will be responsible for paying applicable Pay in Lieu fees based on the number of bonus dwelling requested.
- For example, the way fees are currently designed, depending on the project type and location, there is a certain percentage that ranges from 15%, 20%, or 25% of the total number of dwelling units the developer will have to pay for. The fee is based on whether the unit is for sale, which is about \$82,000, or for rent, which is about \$36,000.
- In a vision, staff is including a one-half floor area ratio (FAR) bonus to ensure that the units can actually be built. Staff has added a provision to prevent the combination of the Pay in Lieu option with other provisions to increase density.
- The proposed amendment further clarifies the receiving locations where height, FAR, and density bonuses can be requested.

Mr. McQuire commented that this is a proposal to allow developers to increase density, and therefore, they can pay to circumvent the Workforce Housing portion of the City's or County's recommendations.

Mr. Bencosme stated it is based on the income cap.

Director Radigan clarified the current Workforce Housing Program has two options; there is a Build Program and a Pay in Lieu Program, and both would be considered participation in the program. One gets to build units and the other gives a fee, which is put into the City's Housing Trust Fund, which the City uses to fund Workforce Housing.

Mr. Ramiccio commented that they do not have unlimited land supply in Boynton Beach. It is almost promoting for developers to do this and historically, with the County, developers pay a fee. He thinks this is very developer-friendly and he does not like the project.

Director Radigan stated that the program is voluntary, both the Payment or the Build Program, unlike the County, which has a mandatory vision and zoning ordinance. Her understanding of the County program is that Workforce Housing must be produced. It does not necessarily need to be on sites, they have displacement programs where they have to provide Workforce Housing if it is not within the project and is in another site within the County.

Mr. Ramiccio reiterated that he does not like this project, it is counter-productive to what Boynton Beach is trying to do. They want to create something special and in looking what they really need, they need Class A office space, but they are trying to jam all the Workforce and Affordable components to Downtown, which is not necessary. If they open their minds about the future of how they want the City to evolve, he does not see this in the picture. When talking about the County's program, if Affordable Housing needs to be built in Boynton Beach, they could take the portability and build those in Belle Glade or Riviera Beach, There is no trigger or mechanism for Boynton Beach to get Affordable Housing with a Payment in Lieu of. As Mr. McQuire mentioned, most of the developers are going to pay into the In Lieu of fee. He asked if there is a substantial amount of money in the Housing Trust Fund.

Director Radigan replied no. Part of the reasoning is that this program as a whole, the Workforce Housing Program, both Build and the Pay in Lieu Program, have been largely unsuccessful. She thinks it is because of how the methodology is laid out to pay for the units. There are circumstances where they would be paying per unit at a higher rate than they would be given density for with the current program. This modification adjusts that. This amendment does two things to get this portion of the program running; the first is to adjust how they count the fee, and the second is the addition of an FAR bonus of .5%. As said previously, staff and the Commission recognize a larger overhaul of this ordinance is required and is a much larger undertaking than what is happening. This is trying to pump some life into the program they have had a lot of interest in, but so far it has been infeasible for developers to participate in.

Mr. Ramiccio is hearing from the Board, as well as the Commission, that they do not want to see an increase in density and offer as an incentive more height and density for Affordability. He heard if a hotel or something spectacular would come Downtown that they would be flexible. He thinks this is tied to this upcoming project because the other projects already have vested rights.

Director Radigan indicated this would apply to any project that is going to be submitted under the current regulations. Other projects might be under the previous version.

Mr. Ramiccio stated they are talking about going forward with new projects and he asked if Time Equities would be one of the projects that needs to conform to this. He questioned if this is being adjusted for the Time Equities project.

Director Radigan advised this is a Citywide change, the calculation of how they calculate Workforce Housing is Citywide, not just locational.

Mr. Ramiccio questioned why they would not make it a requirement or mandate that units are built as part of the project instead of the Payment in Lieu of. They have to look at the Affordability of Boynton in general. When looking east of I-95, there is a lot of Affordability and there is not in the west; there has to be a balance. He does not like the Payment in Lieu of, the calculation, or incentives for density and height when it is not necessary. This Board and the Commission have already lowered the height from 150 feet to 85 feet in the MU district. All the projects are going to have an Affordability component to get the 25% density and height bonus. He asked if there will be people who live Downtown that can afford to shop Downtown. He likes market rate apartments and he is not speaking to projects already approved, he is referring to new projects going forward. He thinks this Commission and future Commissions want to see something exciting, a boutique hotel, shops, restaurants, active green space, great street trees, street lighting, etc., and they want it to be a special place. He thinks that can be created, but if they fall into these traps, they will be asking why they do not have the tax base ten years from now. They have huge developments that have a lot of apartments, but they are not paying a lot of ad valorem taxes, and a lot of that has to do with what is being built.

Director Radigan clarified if developers are participating in the Pay in Lieu program, they are not building Workforce Housing. Those two things would not happen in the same building. If the Build program is being done, points and concerns would be valid. For the Pay in Lieu program, there is no Workforce Housing being built, they are getting a market rate product and the City is getting the benefit of the dollars

for those bonuses for the City to do with as they please and where they please.

Mr. Ramiccio thinks both of his points are valid, but feels that the latter point is the most important, and that is the fact that they are not building Affordable Housing in the Payment in Lieu of.

Director Radigan stated there are some exciting options when they do a more cohesive overhaul of this program to allow for bonuses or intensities. She thinks certain things the City is looking for, such as a hotel or vibrant places, can be worked into an ordinance.

Mr. Simon mentioned the Pay in Lieu and questioned what dollar amount this fund collects the City can do something with to provide Workforce Housing.

Director Radigan advised 100% of that fee must be used towards Workforce Housing. The fund can be used for projects, grant funding, rehab projects; it is not just building projects and any other program the City as a whole wants to use those funds for.

Mr. Simon questioned how much money the City would make on a project such as the Pierce project with a Pay in Lieu.

Director Radigan stated if they are doing for rent, it would be approximately \$36,000 per unit above their base density.

Mr. Simon commented if there were ten extra units the City would get \$360,000.

Director Radigan replied exactly. She noted the City would get \$84,000 for every "For sale" unit.

Mr. Simon questioned how many projects the Pay in Lieu would have to be used for in order to fund something significant.

Director Radigan indicated this is a piece of a much larger overhaul. That number is currently about 15 years old. The Impact Fee by State Statute has to be based on a rational Nexus, it is not something the City can just come up with and it is typically done on a GAP analysis. That number should represent the difference between an Affordable Housing rate and a market rate and those are the numbers used to create a Pay in Lieu program. As part of their overhaul for this program, they will have to go out and do an additional rational Nexus study to update those numbers since they are so old.

Mr. Simon questioned why come with an Amendment instead of focusing on the complete overhaul.

Director Radigan stated this is a complex problem and is something they are not trying to solve; the County, State, and country are, and there are a lot of options and it takes a lot of time to get through those; it takes a lot of political influence and is something they need to talk to each of their Elected Officials about regarding the types of tools they want to see move forward.

Vice Chair Buoni understands that overall, no matter whether this passes or fails, they still need to

overhaul the system.

Director Radigan replied yes. The idea is that some of these Amendments would carry forward. They are looking to do a complete overhaul and it will be up to the City Commission to see what tools they see as necessary going forward.

Mr. Simon understands this is addressing a couple of lines within the ordinance and not the larger problem. He thinks this should go back to the drawing board and come back with a complete overhaul rather than filling in some pieces. He questioned why they want to change something when the complete overhaul will be developed and they will be heading in a different direction. With all the political influence and time components, there is a great possibility that this might be something the State or County has voted for. He does not think this is the proper direction to address this. He has never been in favor of the Pay in Lieu of the Workforce Housing and noted that Developers not having to build Workforce Housing within the project is a misstep. Regarding the \$36,000 and \$84,000, developers will say they are all apartments, so they do not have to pay into the fund. He is trying to understand the ratio if an acre is permitted 80 dwellings and it is being reduced so they will only have to pay for ten instead of 20.

Director Radigan indicated if they are allowed to do 80 units an acre the bonus would be 25%, which would allow them up to 20 units more, but they are only paying for what they are using, which is ten units. She understands part of this is a band-aid to a much larger problem and thinks this is an effort to collect what they can while the program is not working. This is an effort to fix little things to make it feasible, so it used while staff is working on an overhaul of the ordinance.

Mr. Ramiccio asked if this pertains to current projects.

Director Radigan replied there would be projects going under this ordinance and noted that any Amendments to projects would be under this as well as any new projects moving forward.

Mr. Simon questioned if they could sunset this all together and not have this component as part of the development. He expressed concern about what is currently existing.

Director Radigan advised the City Commission would have to ask for those changes; to sunset an existing program or create an additional ordinance to replace this program.

Mr. Simon thinks that might be something the Board might consider and take a leading position within the County.

Vice Chair Buoni opened discussion to the public.

Mark Meyer, 533 Ocean Inlet Drive, commented that some components to this Amendment are confusing and he requested clarity. He asked if a developer can do the Workforce Housing component, buy out of it, and then increase the FAR 50%. If they are not participating in the program, he does not think it would be appropriate for developers to increase the FAR. In his opinion, developers would be allowed to have the FAR if they are participating and building the actual unit. He agreed this should go back to the drawing

board and try to lead the County.

Vice Chair Buoni closed the public discussion.

Motion was made by Mr. Simon, and seconded by Mr. McQuire, to approve Item 7C. In a roll call vote, the **motion failed** unanimously. (0-5)

Ayes: None

Nays: Harper, Simon, McQuire, Ramiccio, Buoni

- 7D. Approve request for Major Master Plan Modification (MPMD 23-004) of the Boynton Beach Town Square development to amend the number of buildable dwelling units, revise project phasing, reduce the commercial use areas, and decrease the number of hotel rooms. The subject properties are bounded by Seacrest Boulevard on the west, NE/SE 1st Street on the east, E. Boynton Beach Boulevard on the north, and SE 2nd Avenue on the south, and are currently zoned MU-3 (Mixed Use 3). Applicant: Robert Singer, Time Equities, Inc.

Bradley Miller, with Urban Design Studio, and Land Planner for Boynton Beach, was present on behalf of the applicant, Time Equities. He provided a brief presentation as follows:

- This was a public private partnership that happened in 2017/2018. As time went on, the private partner, JKM, did not come through with building commercial parcels and garages that were part of this project.
- Time Equities has entered into a contract and this has been going on for eight or nine months.
- This has been within the litigation process for several years and they are happy to say just recently the City Commission agreed to a Settlement Agreement with JKM, which was the first step in a sequence of steps for this project.
- The Settlement Agreement is approved, which allows the lawyers to finalize that and let them move forward into actual entitlement for a new project and leave the old one behind.
- There are captions they want to get rid of and move forward.
- Time Equities currently has projects in eight to ten different countries.
- Casa Mara in West Palm had a similar situation. Time Equities came in and it took three years to get through the entitlement process working with neighbors and they now have a successful project.
- Casa Mara is full residentially and commercially.
- Photographs were shown of Casa Mara. The top is a rendering used as they went through the process and it turned into the actual development. It is a similar type of project, Residential Mixed-Use, with ground level commercial space.

Mr. Miller requested the Board look at this as moving forward with a much better project for Town Square for all of Boynton Beach.

- A slide shows the Master Plan approved and it is currently on record today.

- Phase I includes the governmental part, the Civic part, the amphitheater, the Cultural Center, the Children's Museum, the parks, City Hall, and the library.
- Phase II is the south parcel, which is south of the amphitheater running between SE 1st Avenue and South Ocean Avenue for the whole block between Seacrest Boulevard and SE 1st Street. The City had control of the parcel, which is slated on the current plan as a hotel site. The proposal they came in with is to move it to Ocean Avenue, which is the area where they can have hotel and restaurant space. The CRA recommendation plan from 2017, was hugely focused on getting the pedestrian corridor and the place where shops and restaurants are along Ocean Avenue. They feel it is a much better location and it creates a similar block on the north side of the project for the residential development.
- The proposed plan has color, as requested by staff.
- The government component of Phase I is created, then they add residential and commercial in the south component and the north parcel. The hotel and commercial, which they are starting to refer to as the City parcel, would be exchanged, it would be a land swap between moving the parcel from the corner of Boynton Beach Boulevard and Seacrest Boulevard to Ocean Avenue. One question staff received was what the difference in acreage is. Both parcels are platted at 1.1 acre, so it is an even acreage swap. When they are done, a thin strip will be added to the parcel, so the City would end up with a little more property in the long run.
- They are proposing a total between the north and south parcels, which is a total of 933 units. They get that by the density of 62 units per acre, which is allowed by code, and by participation in the Workforce Housing program. He pointed out that currently in the code, they are allowed to build higher with the bonus, but the .5% of FAR that goes with it keeps them from doing it, so they get the incentive to go higher and do Workforce Housing, but they do not have the other component of having the FAR, which equates to the square footage of the project. Staff was trying to balance the provision in the code that is allowed in one place, but they cannot get there to use it, so it defeats the purpose.
- With the 933 units, they have close to 2,300 parking spaces between the two garages and on-street parking. This is now for the overall Master Plan. There is going to be about 500+ spaces, they are still refining garages, etc., but there is a little over 500 spaces for government and civic uses, and available for the City and public.
- Throughout the project there is about 15,000 square feet of commercial space. Some of that gets reallocated back to the new hotel site, which is something where commercial space could be recovered as part of the project.
- To address the commercial space, there is about 11,000 square feet in the two projects. There are a couple components with the commercial space on Boynton Beach Boulevard that is problematic for those to be successful; one is the speed of traffic, and the other is parking related to that space. They are still providing the neighborhood space, the little shop, ice cream place, the hair salon, and that type of community space that would be tied with that and there is a connection in the northern parcel. There is an open plaza area that would be available for some kind of joint use and sharing space; however, it is planned by tenants.
- Commercial space on the southern parcel is about 5,700 square feet. There is one space at the corner of Seacrest Boulevard and SE 1st Avenue, which is space he would see many employees being able to take advantage of. The gray space is the parking garage and on the other side of the

garage is another commercial space, which was a suggestion by staff, so it has immediate access from the amphitheater across the street.

- Gray blocks are parking garages. He mentioned access from Boynton Beach Boulevard and noted that the prior plan had that access, which they felt was not the right thing to do, so they turned it around and access to the garage for the north parcel is coming off NE 1st Avenue on the back side of the Cultural Center.
- Regarding the south parcel, traffic has been focused away from residents to the south and they come out onto SE 1st Avenue. Circulation has been considered and there will be some controls relative to the intersection at Seacrest Boulevard and NE 1st Avenue to limit some of the turning movements.
- There are two different active community park settings in each building. Larger rectangles show the pool, grills, seating areas, firepits. Smaller rectangles on the west side of the garage are for a quieter, passive Zen Garden type of concept.

MASTER PLAN VS SITE PLAN:

- They have to get through the Master Plan step to get into the Site Plan, which will be detailed architecture, layouts, and parking.
- Step 2 is the first of the Settlement Agreement.
- The Master Plan is shown as a whole. The Plan of Recognition gives the recognition of the plan that is part of the record.
- A couple renderings were shown and will be much more detailed as part of the Site Plan process.
- The road that leads to the left is Boynton Beach Boulevard and the road that leads to the right is Seacrest Boulevard.
- Commercial is eight stories of height.
- The south building and the street leading to the left is SE 2nd Avenue and the street leading to the right is SE 1st Street.
- Architectural features of the south building were shown.
- A photo superimposed into an arial shows City Hall when looking southeast.

Mr. Miller indicated that staff is recommending approval. They are saying that the project complies with code and they are moving forward. Their Civil Engineer and Traffic Engineer are present and available for questions. He requested reserving time if he wants to respond to public comments.

Director Radigan announced the City Engineer and Deputy Utilities Director are present.

Vice Chair Buoni opened discussion to the public.

Paul VanStellant, 217 SE 3rd Street, questioned where they stand with the Bond issue and financials. He mentioned that houses on SE 2nd Avenue are not going to see the sun for most of the day.

Vice Chair Buoni stated they do not have any input regarding the Bond issue and financials.

Vice Chair Buoni closed the public discussion.

Mr. Harper mentioned the compatibility issue between an eight-story building on the south parcel, which looks like it is 30 to 40 feet and a single-family home. He questioned if there are any step-downs and what staff is recommending as far as compatibility.

Director Radigan advised that is something staff and the applicant have worked around. They understand there is a big difference in intensity to the neighborhood to the south. That line, SE 2nd Street, represents the end of the Downtown area and it is a very defined land line on the Zoning Map. There is a distinct difference in the zoning district and intensities. There are a few things the applicant did that staff requested. Larger setbacks were requested, so they pushed the building back substantially more than required, and steps were requested to allow for a smaller scale at the ground floor, and last, was architectural components that related in scale more to the single-family than the eight-story building. It was represented on one of the graphics, and the façade facing SE 2nd Street was shown. The applicant first did parking, which was an added setback, they did front lawns and stoops, and tried to create varying lower rooflines that were a little more in scale to the single-family buildings versus the eight-story building.

Mr. Harper asked if people living in those homes were sent a Public Notice about this meeting.

Director Radigan stated whenever these changes come through, residents are Noticed by the applicant within 400 feet, so they were Noticed for this meeting and the City Commission meetings. In addition, the applicant also held a voluntary neighborhood meeting last week. Every house received a letter regarding the meeting and two people showed up.

Mr. Harper commented that relocating a hotel directly adjacent to a children's area causes concern. He recommended focusing on some type of a buffer between a hotel where anyone can stay and an open children's play area. He noted there is a huge residential building abutting a City children's area, which is heavily utilized by children and families in the area. He did not see any renderings of the proposed hotel, but sees it is Phase IV. He asked the height of the hotel.

Director Radigan clarified that the Master Plan takes into account all four phases; however, the applicant is only responsible for the development of Phase II and Phase III. It leaves the hotel within the City's ownership and the City's power, so the City can then go out to bid, do an RFP, in order to place the correct hotel or venue within that location.

Mr. Harper mentioned the proposed rooms.

Director Radigan stated this is a carryover from the original. This is slightly in transition, but the final will have up to 144 rooms and the plan currently shows 100. They are going back to the 144 rooms to maintain flexibility of the City land. It is also going up with the commercial uses. They are currently proposing 15,000 square feet within the whole and the proposal shows 4,000 square feet within the site. They are going back to the original requirement of 15,000 square feet and that will change before it goes to City Commission final adoption.

Mr. Harper questioned how high the hotel must be to fit 144 rooms.

Director Radigan stated the height of the hotel would be maxed to whatever is in the zoning district, which is 75 feet. The other buildings are currently recommended 85 to 86 feet, so this would be slightly lower. She would say that the relocation of the hotel from Boynton Beach Boulevard to Ocean Avenue changes the scale of the hotel a little, she thinks they are talking about a boutique size hotel versus something seen on a much larger scale. She thinks the scale may change, but to maintain flexibility, they are maxing out the Master Plan and it can always be brought down within the Site Plan.

Mr. McQuire likes how this will eventually create a Boynton Beach corridor that has a new fresh look. Overall, in looking at the proposal, it is maximum. He thinks there are some things they can work with and some things that need improvements. He likes the hotel swap that allows the developer to maximize savings by not mimicking the north and south Mixed-Use parcels, but essentially that they are very identical structures; there is no real difference between them. He thinks the architecture style is interesting, but it is a lot of the same. He thinks a lot of retail needs to be in the hotel. He noted that 15,000 square feet is the bare minimum and the community has spoken clearly that restaurants and things to do, and almost 1,000 units and 15,000 square feet of retail. He would like to see that number significantly increased.

Director Radigan clarified that the 15,000 square feet would be located on the hotel parcel on top of the applicant's 11,000 square feet. They are looking closer to 25,000 square feet throughout the whole Master Plan. The hotel site will house 15,000 square feet of commercial space, which would be in control of the City, plus the applicant is proposing 11,000 square feet within the private portions of this. Those changes will be clarified before going to the City Commission.

Mr. McQuire commented that putting that in perspective of how many square feet of development is miniscule and he still thinks it is not enough; he thinks that is something they need to push for. There is very little access for pedestrians to occupy green or public spaces and he believes some cutouts or public spaces would compliment the street scape and break up and improve the architecture.

Mr. Ramiccio stated that this is a huge improvement over the previous experience with JKM. He asked if Time Equities has control of the property or if it is still in settlement.

Mr. Miller replied they have not closed on the property yet, there are other sequences in the process they have to get to. Contractually, they have full control.

Mr. Ramiccio indicated that he has a different opinion than his fellow board member on the location of the hotel. They have a Master Plan, a CRA Plan, and Master Plan for the City, and it has been their focus and desire to see as people enter the Downtown a boutique hotel on the corner. It will look a little different and he wants to explore options of having the hotel on the corner versus having a residential component at that location. He asked if they have any wiggle room with regard to the hotel and the land swap. He does not see the hotel on Ocean Avenue.

Mr. Miller stated he has talked to a lot of people about this, and Mr. Ramiccio is the first person to say

that. They felt that it makes more sense because of the focus to Ocean Avenue and it is a half block closer to the marina and other restaurants. From their plan standpoint, not making the swap would be dumb.

Director Radigan advised the City Commission has taken its first action towards this land swap and it is currently in the Due Diligence phase.

Mr. Ramiccio asked what is being done on the site next to the children's museum and he noted there is also the Historic Magnuson House. He questioned what will happen to the Historic Magnuson House and if it will have to be relocated or demolished.

Mr. Miller stated this Master Plan does not include the Magnuson House. He prefers to refer to it as a City site because it is up to the City as to what it is going to be. There is currently a parking lot there, just east of the children's museum.

Mr. Ramiccio questioned the engagement of more commercial because as mentioned, they want to see a lot of shops, restaurants, and walkability on Ocean Avenue. He asked if they would be open to doing more unique establishments that will create the pedestrian flow they are looking for in the Downtown.

Mr. Miller thinks they are hearing the comments. Time Equities is not going to be in control of the north parcel and develop the north and south parcel, so they do not have any access to direct frontage on Ocean Avenue. As they created the plans, there was the code and staff initiative of having commercial space at Boynton Beach Boulevard and Seacrest Boulevard to give an active look at ground level and they feel they are doing that with the commercial space proposed. He mentioned commercial space at Seacrest Boulevard and the south parcel and thinks both have the function of the neighborhood type of community where residents who live in the building or around the building could use it. Their intent was to provide some of the neighborhood space on the frontage of Boynton Beach Boulevard. Regarding parking, they are trying to get some on-street parking spaces, but Boynton Beach Boulevard is going through a design process to construct that road, so there are some issues, and they are working with FDOT. They have provided commercial space in the garage and with wayfinding signage to get to that space from the garage space.

Rob Singer, with Time Equities, mentioned retail and stated they do not want retail that does not succeed because people cannot park and access the property. In his professional opinion, based on parking available, how traffic and everything works, and the way it is positioned for success, they can deliver. He referenced Casa Mara and noted there are eight stores, and they are perfectly curated. Of the 40 million square feet, probably 15 square feet is retail all over the world. They know how to work retail and know what it takes to succeed. It is not quantity, it is quality, and its success is having the right people, the right retailers, and the right spaces. With staff, the issue has always been making sure it is active because having active street frontages are better than having two-story commercial spaces that no one can pay the rent and will not stay. This design has apartments on the ground floor with stoops and people walk right out, there is a main entry, amenity spaces, and shops. It is all the way around the building except for the garages; there is no mechanical or dead space. It is a highly activated ground floor on both sides. There are ten-foot side walls with landscape with buffers and on-street parking. This was done at Casa Mara, and it is highly successful. They are trying to maximize and minimize and they do

not have time for that. They care a lot about their projects, and they know how to make them economic and functional in communities. Things are needed that function financially and for communities; by not having the full block, the building does not function. With respect to the architecture, they studied making one building green, one purple, etc. Two buildings are architecturally similar because this is the best way to have a cohesive Master Plan. There are differences at the ground level and the southern building has house vignettes, which related more to the homes to the south. They have spent an enormous amount of time and money working with the existing land seller, with the City, with the code, working with the best professionals, with no budget to try to get to something that all parties can win here. They are a win-win developer, they do not flip their properties. He wants people to understand that they build \$500 million projects, and they have the best architects and planning; they take their time and deliver.

Mr. McQuire mentioned carefully curated retail and does not think the landscape of Boynton is carefully curated; it is a very broad demographic with lots of different interests. These two parcels will control what the community has access to with a large respect. He believes the density was over 900 and asked if that includes the 100-unit boutique hotel.

Mr. Singer replied no.

Mr. McQuire disagreed that they do not want to create a retail space that fails with over 900 residential units and a lot of parking. He feels something of this density could feed more retail.

Mr. Singer stated they are happy to look at that.

Mr. McQuire thinks they should be open to that idea because a few things mentioned were if the land swap deal does not happen, they are out. The land swap deal might not happen, the Board has some control over that; they have influence and can speak to the Commissioners and the CRA and give them their opinion. He is familiar with their work and this looks like a first-class project; there are a lot of things he likes. He questioned the breakouts of ones, twos, threes, and studios under 900+.

Mr. Miller stated there are probably roughly 5% to 7% studios, ones, and threes, and then 45% are basically ones and twos.

Mr. McQuire saw ample parking, which told him there are a lot of studios and ones. That is 2,000+ units of which the City will get 500+.

Mr. Singer indicated the City is getting its code parking, which they bargained for however long ago, what it needs for code in an elegant way, and that is what they are delivering.

Mr. McQuire thinks they should revisit retail. He questioned if all the retail is on the first level.

Mr. Singer stated the 25,000 square feet is all on the first floor.

Mr. Simon mentioned the purview and asked if it is strictly for the increase in residential units and the decrease in commercial and hotel, rather than the approval of the Master Plan. If that is only what is under the purview, those conversations may not be valid or useable within the vote in the Master Plan.

If the Board is able to go into some of these items under the purview of the request, then he thinks they should be discussed.

Mr. McQuire questioned if this is all rental.

Mr. Simon replied yes.

Mr. McQuire stated he does not like that, he thinks they need condo, and half would be an ideal benchmark. The City is starved for homeownership in this area and that is another transient sort of mecca that will be created and they do want some permanent residents.

Mr. Ramiccio mentioned that City employees need parking. He asked if that is being covered in the garage to the south and how they are coming and going from the property.

Director Radigan indicated that this Master Plan covers the required parking for the entire Master Plan, which includes parking for City Hall, the amphitheater, and an additional 100 spaces for public parking. The details on how parking will be situated will be done through a Parking Lease Agreement between the City and developer, which will run concurrently with the Development Agreement. Currently, within the two garages, the City will be getting approximately 470 parking spaces and about 110 surface spaces, which is all the on-street spaces. In total, the City is looking at about 580 parking spaces that they will have rights to, and she believes the Parking Agreement delineates it for about 100 years.

Mr. Simon wanted to verify that the Board is not overstepping their purview.

Attorney Schwartz clarified they are looking at revisions in this case; this is for the Master Plan Modification. The request is the phasing of the Master Plan, not the configuration of the Master Plan or any comments related to the renderings that were seen.

Director Radigan advised that the Master Plan approves the overall densities, intensities, heights, and building locations, as well as general access and pedestrian and vehicular flow. The phase relates to Site Plans, and since this is a four-phase Master Plan, there will be four corresponding Site Plans, one of which is already done, Phase 1, the Civics phases, two of which the applicant is responsible for; the two residential Mixed Use components, and the fourth is the hotel, which the City maintains control over. Those will each come separately in Site Plan form.

Mr. Simon thinks there is way too much density for the area. The request for an increased number of apartment units is a non-starter. The fact there are 933 units aside from the traffic it will create, and the noise, it is transient with people who do not care about their environment as much as someone who is vested as an owner. A lot of negative components with the fact that they are apartments and he does not agree that they should be apartments. If it were something where there is a percentage of condos and apartments, potentially, owners in the building might be more vocal about their neighbors as far as trash, litter, and changing oil in the parking garage; it might be a step in the right direction. Regarding the reference to Casa Mara in West Palm, there are height differences between the two projects, there are commercial spaces dispersed, and in separate buildings there is limited residential above the buildings.

The space between the buildings and retail spaces creates foot traffic, which creates movement and flow for pedestrians. He thinks that is a more successful approach and it also allows for the potential of commercial spaces being stepped down next to residential areas on neighboring streets. There are single family homes and across the street there are 60 80-foot walls. The vignettes are the most minimal approach, and he thinks they do not do anything. Staff has come before the Board with different scenarios and means to mitigate the differences between the compatibility of new projects and existing homes. If a project is a certain height requiring a stepdown approach in all the illustrations, demonstrations, and discussions, it is not that they are going to apply a gable roof over ten feet of the initial building and then go 80 feet from that, it has always been a building depth within all the illustrations reviewed and approved with the City staff. He does not think that is something the City was diligent when they were reviewing and working with the developer on that means for compatibility. He thinks if there is a different approach to the commercial. It was mentioned they know how to park the commercial, but if they do not have the parking they do not succeed, and he agrees with that. He mentioned the amount of commercial space provided in Phases II and III, the north and south plots. On the proposed modification, they are demonstrating there is 15,000 square feet and the majority of the square footage is within the hotel. A question from another Board member is that the hotel will fall under the directive of the City; they are going to work directly with the hotels and come up with something they like. Within the application, they are requesting to reduce the amount of commercial retail space and putting the brunt of that commercial space effort on the City, which he thinks is bold. He does not think that is something a successful developer should be doing. They also stated they are not here to maximize and minimize, but that is what the request is. They are requesting to maximize and increase the number of units and reduce the commercial and hotel units within the project. He agrees this is a very large project and the code allows something of this size to be built, but he has never been a fan of the scale that this calls for. He lives nearby and enjoys watching the moon over the tree line and he will never be able to do that again with anything like this. He hopes they consider his comments. He is not against the project, but he thinks there are a lot of avenues they could review and pursue that might make it a great and unique project.

Mr. Harper mentioned a news article and noted that the thing that caught his attention for the project in West Palm was that it said "Dine, wine, design". He does not see how the commercial layout here allows for that. He thinks SE 1st Avenue is more for City employees to utilize, which, in his opinion, calls for Monday through Friday, 9:00 a.m. to 5:00 p.m., grab and go lunch spot.

Mr. Singer stated the headline was a little dramatic. He noted there are eight small 1,000-square-foot shops filled with people who could succeed with a parking arrangement that could succeed in a zoning context of that particular property, which is completely different than the zoning context of this property. The reason they bring it up is because it shows execution down the street. They delivered something within the context of that situation next to factories, on the train tracks, etc., that worked for the community. Within the context of this zoning, and they are happy to add commercial, he would like to understand, but it comes back to if it can be successful, it is not just about jamming as much as they can. They have created on-street parking on Boynton Beach Boulevard and have tried to match up the amount of commercial they have on Boynton Beach Boulevard with the spaces they are trying to provide. There is a balance of who can park there, the stores that can succeed, and the customers. Over time, people could learn to come around the back and enter the parking garage and cut through, but they can look to increase it to some extent, but they do not believe it is going to be feasible for enormous amounts of

retail. It is not about passing the buck; it is about where bigger restaurants and retail be more successful and more pedestrian oriented and they feel like that is Ocean Avenue.

Mr. Simon commented when they force retail into the hotel, that is potentially ground floor and taking up potential room space for a boutique hotel, so it makes the building taller. When looking for an example, something like a Fresh Market or grocery store would do a great success and service all the tenants in the buildings. They already have different types of retail two blocks to the east. He does not think they need to repeat types of businesses and there are other types of businesses that may be more beneficial instead of just a retail space and might service the public and the local residents as well as tenants.

Mr. Singer stated it is parking, traffic, and a lot of things they are balancing. They are happy to look at increasing the amount of retail on the project, but he is not hopeful that it is going to turn into grocery stores. He does not think the traffic works.

Mr. Simon stated it is not the amount of commercial, it is the location. There are two small areas to the south and two to the north.

Mr. Singer indicated they are working on this with staff. The idea was that Boynton Beach Boulevard and Seacrest Boulevard had to be something special and the architecture shows a beautiful corner and is active. There was not an effort to short the retail and the design direction they were hearing was more focused on making sure the whole perimeter was active, so they could put people on the street with stoops and make it feel safe and active. Space is needed on the ground floor for lobbies and packages, etc. The building has to function, it has to be active on the ground floor, and they are happy to look at making it bigger. He does not believe it is possible or appropriate given the context of this to be grocery stores. They were asked to put retail on Boynton Beach Boulevard in a format that looks something like this, then with respect to the south parcel, being across from City Hall and the Amphitheater, they are talking about 3,500 square feet and another 2,000 square feet, which is not a small area. Could they be another 2,000 square feet larger without breaking all the traffic models, probably, and if that is something the Board wants them to look at, they are happy to do so. This is an attempt to deliver something that is going to function, be forever beautiful, and add value to the community. Their project is 80 feet tall, so when talking about maximizing, they looked at this and said 99 feet is too tall. The maximum on the south parcel is 87 feet and theirs is 80 feet. They are trying to fit in and create an economic thing that functions and is scaled appropriately. They are doing what they think is financeable and correct for the community.

Vice Chair Buoni thanked Mr. Miller and Mr. Singer and stated that whatever decision made tonight is the first decision. Staff has taken all the comments and the City Commission will make the final decision.

Motion was made by Mr. Simon, and seconded by Mr. McQuire, to approve Item 7D. In a roll call vote, the **motion failed**, with Mr. Harper in favor. (1-4)

Ayes: Harper

Nays: Simon, McQuire, Ramiccio, Buoni

- 7E. Approval of the Pierce Rezoning (REZN 22-001) from Central Business District (CBD) to Mixed-Use Core (MU-C) with a Master Plan for 300 multi-family residential units and 17,015 square feet of commercial square footage. Applicant: Jeffery Burns, Affiliated Development.

Kemissa Colin, Vice President of Development for Affiliated Development, was present on behalf of the applicant. She provided a brief presentation as follows:

- This site is currently under-utilized and this is going to be a catalyst to the creation of a true Downtown in the City of Boynton Beach.
- The property location was shown in relation to the City's two major thoroughfares; Boynton Beach Boulevard and North Federal Highway.
- Boynton Beach Boulevard is on the north side, Ocean Avenue on the south side, Federal Highway on the east side, and NE 4th Street on the west side. They are also neighboring the FEC Railway.
- The Pierce is an eight-story multi-family Mixed Use development. They have 300 units and it is connected to a parking garage. A portion of the parking garage will be accessible to the public. They have 17,000 square feet of retail. This is a mixed income community; 50% of the units will be dedicated to Workforce Housing, which creates a more diverse urban environment for the City. It brings an increased tax base, more walkable community, and more individuals to visit the restaurants and businesses along the corridor as well.
- A realistic picture was shown of how the building and project fit within its surroundings.

Director Radigan indicated Ms. Colin will be presenting all the applications together, Item 7E, 7F, 7G, 7H, and 7I, and wanted to make sure the Board is okay with that.

Vice Chair Buoni stated it is okay. He asked if all the applications should be read separately.

Attorney Schwartz replied no, as long as each item is voted on separately.

Jeffrey Burns, CEO of Affiliated Development, was present and continued the presentation as follows:

- One challenge they always face with a four-sided property that abuts the public realms is how they put more public services components somewhere other than the street.
- Trash and loading will be off the street and next to the garage, so it will not be visible to the public.
- Originally, they contemplated a stand-alone parking garage, separating 1st Street and it was important for them to have more connectivity. They went for a redesign that contemplated connecting the main residential building to the garage to be more interconnected and they felt that helped bring it all together much more favorably.
- They wanted to go away from the big block structures, so the edges of each of the major buildings with height touched the main streets and the goal was to bring the public in. They feel it is more inviting and creates a lot more pedestrian connectivity and access to the site.
- They have been working in this City for over two years, and working with the community and

local businesses. When they first approached Hurricane Ally, they wanted to do everything possible to ensure their long-term success in the City. Kim, with Hurricane Ally, was open to helping them anchor the project on the Boynton Beach Boulevard site. The parcel they have access to is not very large, so they were a little perplexed when looking to see how they would do this, and Kim volunteered anchoring the commercial component, which gives the entire side a lot of balance. Kim will also have a game lawn in the back area and he thinks that is something that is really needed.

- Another key component of connecting the building to the parking garage was having a sense of arrival. By connecting the two buildings, they were able to accomplish the porte-cochere feeling when coming off Federal Highway.
- Ocean Avenue is the primary commercial corridor. They will have three different commercial spaces, one being a two-story restaurant with a rooftop deck, which will be more of a nighttime activation, and daytime will be inside. They also have commercial space that borders Dewey Park on Ocean Avenue, which is envisioned to be more of a café, daytime activation. They are hoping to get a breakfast user in there. They purchased the Ocean Food Mart on the key corner of Ocean Avenue and Federal Highway, and that is a key component. This is the main corner. They decided to display their public art component at this location.

Ms. Colin continued as follows:

- The landscape buffer variance was eventually approved by this Board in November 2022.
- They have submitted a Rezoning from Central Business District to Mixed Use Core, they have a new Master Plan, a new Major Site Plan, and an abandonment of three alleyways, four community design appeals for the garage, and a height exception for the parking garage.
- They meet the criteria for Rezoning for the CBD to the MU-C.
- They meet the criteria for the Major Site Plan for both applications.
- They meet the criteria for the new Major Master Plan and Major Site Plan.
- The abandonment they requested are for an alleyway between Ocean Avenue and the south portion of the parking lot, the other is a portion of NE 1st Avenue, and the last is the alley south of Boynton Beach Boulevard. The reason for the abandonment is to connect an enhanced connectivity throughout the property and the development.

Elliott Young, Senior Vice President with RINCA, Architect for the project, was present and continued with the project description and the four appeals.

- The four community design appeals stem from the parking garage component that is connected, but by the City code definition of fully integrated. They think the proposed design and configuration meets the design intent of the code and also architecturally and landscape wise, it enhanced it greatly to feel integrated with the development while meeting those criteria for approval.
- By elevation, the north garage elevation facing what will be the future Hurricane Ally on Boynton Beach Boulevard, and on the other elevations, they tried to integrate it with the multi-family buildings, so there are openings with staggering to conceal fully the parking garage ramping.

Window openings have framing that is reminiscent with the framing of the window systems on the multi-family building, with some intermediate precast panels that have a pattern, different color tones that are reminiscent of the multi-family building as well.

- The right side of the elevation is a proposed projection screen where movie nights or a Sunday football game could be projected on the garage allowing activation for that outdoor space adjacent to Hurricane Ally.
- Additionally, there is landscaping that is very lush, there are large palms, hedges, a green wall in certain areas, to ground the structure through the use of landscape.
- Both elevations are facing the multi-family building. One of the garage entrances on the right side would be directly off the porte-cochere drop-off area. The architectural treatment can be seen, signature mural elements painted on the garage that has the building logo and identifies it as a public parking structure. The left side of the south elevation, faces the loading dock area in the back of house area, which is completely behind a secured screen. There is an access gate for deliveries or move-ins, but similar architectural treatment.
- They are proposing a perforated metal screen element that has a postcard type of treatment, so it is an image that can be printed onto this material or it can be used to get the image to appear. It wraps around to the west elevation and faces 4th Street. This will be something that is seen from the train while passing through and is something that tells that they are in Boynton Beach. It would be part of the Arts in Public Places component, so it would be an RFP for an artist to create that image. Their component would be designed by a professional artist and printed on the material.
- They are proposing a public bike share station, so there is biking kind of urban mural in front of that on the first floor, as well as additional landscaping where they could fit it in.
- The second parking entrance and exit is also on 4th Street.
- Looking at the east garage elevation, this is part of the landscape variance proposed, with a lot more landscaping above and beyond what is required by code, but they are introducing some planter boxes on the first few levels that add some color, some Bougainvillea vines or something like that. They are also introducing various types of tree species spaced at almost double what the code requires for a landscape buffer. This façade would also have a similar architectural treatment. It must be a solid façade because of fire separation reasons, but they are going to apply a metal trim that looks like the window systems on the rest of the project to make it look like punched opening very much integrated with the multi-family building.
- Left of the elevation identifies an entrance mural that says “Public Parking” with the development name as well integrated onto that corner.
- The four community appeals they provided with their Land Use Attorney is justification that it meets all the criteria, that is consistent with the Comprehensive Plan, it will not detract from visibility or appearance with the City.
- The height exception for the parking structure comes down to one egress stair that needs a tall enough increase above the 75-foot max, which is about 2’11” to allow for a doorway to egress off the top level of the parking structure. They shifted the stair to be as far down the structure as they could get before running into a code issue with egress, but that is what the height exception entails. It is just one stair element and the stair is completely concealed from view, integrated into the rest of the design.

Mr. Ramiccio asked if that is in the center of the building.

Mr. Young indicated that the multi-family building is on the right side, which is taller with height restrictions, so there is a stair within the multi-family building. The other stair they needed to add is what would be on the left side of the garage closest to Hurricane Alley. That stair technically goes above the 75-foot requirement for the garage height since it is more a part of the garage.

Mr. Burns went through the renderings in more detail.

- The corner is an Arts in Public Place component. They did not want to have a sculpture that did not have meaning or was not interactive. The unique part of this is that there will be a tremendous amount of commercial space and restaurants and activities, so they wanted something that could be interactive and educational. Since Boynton Beach is very marine oriented, they thought it would be nice to do something specific to the ocean. Their idea is that they have a boat and underneath they have a coral reef sculpture with information about different marine species, which is just up the street. There will be a lot of visitors in this area, and it is nice to have something to keep children busy and interactive while waiting at restaurants.
- Many people focus on daytime renderings, but most people are coming home at night. They want to be sure to design a building that is not just beautiful during the day, but also beautiful at night. There is a light feature that runs on the top side of the key component of the building being on the major thoroughfares. They feel like it gives the building an inviting sense of presence. They want people to feel comfortable walking around at night.
- The penthouse unit is an amenity. A lot of their buildings have an outdoor rooftop amenity observation deck.
- They did not have a sense of arrival when things were separate and by integrating the residential building with the parking structure, they were able to accomplish that. This gives a convenient spot for people to get dropped off or picked up and it is another entrance to the public parking garage.
- The entrance is a circular area to keep cars moving and it also has a pull off area. One thing they have accomplished is providing areas for fire trucks and other services to be able to pull off if needed.
- Dewey Park was something they wanted to integrate in the overall development, so from a pedestrian experience, they encourage people to walk through the park. If someone takes the elevator down in the parking garage and they want to go to Ocean Avenue and Federal Highway for food, they would walk past retail on 4th Street, through Dewey Park, through the next retail space abutting Dewey Park, and then down Ocean Avenue.
- By bringing retail space to the street front, they wanted to hide all the back of house things mentioned earlier such as trash pick-up, FP&L things, etc. If there is no space, these things are forced to be on the right-of-way.
- There are 40 Brightline trains that pass by every day, so they thought it would be nice to capture a theme that says this is where you are at and there are things going on in Boynton Beach. They are working with a metal manufacturer because they want the screen to be nice ten years from now. This will be made of durable material that is hurricane rated.

- To focus on the outdoor space between the parking garage and Hurricane Ally, there will be two floors with seating upstairs with a bar, and a bar and kitchen downstairs, and outdoor seating in the back as well.
- They are offering Workforce Housing. Workforce generally means people who are making a good income, but right now they cannot afford a \$3,500 a month apartment. The key is to give people a luxury experience at a fair price. All of their communities have more amenities than seen in most hotels. They have a pickleball court, an off-leash dog park, a fitness facility with a yoga studio and spin studio, an infrared sauna room with massage tables, an infinity edge pool with sun shelves, so people can be outside and be social and interact with one another. They have a cohort facility. Many residents work from home, and they are giving them an opportunity to be outside of their unit, interact with other members of their community, and have it almost feel like their own office. All these amenities are free of charge.
- There is a rooftop observation deck with a bar, they have lockers for people who want to keep certain beverages of their choice, a separate room people can reserve if they want to host a dinner party; it is meant to be interactive. They will have shuffleboard and lots of activities. They wanted to carry on the park theme a little and make it relaxing, so they are calling it Hammock Park, there will be hammocks.

Mr. Burns stated they agreed to exceed their requirement from a cost standpoint, and they understand that is an important element. This is over two years of meeting with residents, business owners, and stakeholders, getting positive feedback. This process is here for a reason and they have worked hard to be sure they have met as much of the goals possible.

Mr. McQuire requested they go to the slide that showed the five things the applicant is looking for.

Director Radigan advised that staff is recommending denial on these items based on the fact that staff could not recommend approval of the variance. The way the recommendations are outlined, they are recommending denial of the application. Should the City Commission approve the variance, then staff is recommending approval of the applications. Each application is written that way.

Vice Chair Buoni asked if they need to say “Subject to Commission approval of the variance” when making the motions.

Attorney Schwartz replied yes.

Mr. McQuire mentioned Rezoning for Central Business District and asked if this would qualify for the grandfathered in previous height.

Director Radigan replied yes. This project was submitted before that ordinance was approved that retired Mixed Use Core.

Mr. McQuire questioned if there are current plans to make the parking structure to have the ability to go higher or would that be considered in their plans. He asked why they would need to do that.

Mr. Burns stated that is a technical question and he would need to defer to Director Radigan. They were lead in that direction by staff, so he assumes there was a technical reasoning behind it.

Director Radigan indicated this is a private application, so the applicant is requesting this. She noted that the CRA Plan recommends Mixed Use Core for this item and that is the way it was structured into the RFP.

Mr. McQuire would like to know if this is approved as is if the developer has plans to potentially take a portion of the site and redevelop in the future or if that would be something that might be beneficial for selling a decade from now. He mentioned the new Master Plan and stated the new Major Site Plan is part of that. Abandonments are the streets they want to build over that are currently alleyways. Those are big requests, but he is not necessarily not in favor of what he sees. He requested clarification on the four community design appeals for the parking garage.

Director Radigan clarified that the request for the community design appeals and noted there is essentially one for each face of the garage. Garages within this zoning district are required to be integrated, which means wrapped with habitable space and they are not proposing that in this Site Plan. An appeal is required to have a garage that is not wrapped with habitable space. There are four appeals, one for each side of the garage to vary from the code required habitable space requirement.

Mr. McQuire commented what they have shown, which is a large seven-story mural, only covers a portion of that and that is why they are looking for that.

Director Radigan stated the mural or screen is part of their justification for one of the elevations. That screen is on the façade facing the rail tracks.

Mr. McQuire mentioned the height exception for the parking lot and noted that is the stair. He applauded the applicant for sticking to the Workforce Housing. He thinks that is a great thing for the community and it is something they would like to see more of. He questioned if they sell the parcel if the Workforce Housing will carry.

Mr. Burns replied yes. It runs with the land. At the time they get under way, they record a Restrictive Covenant with the property, so regardless of who owns it, they are required to keep it that way.

Director Radigan stated the 50% requirement of Workforce Housing was part of the RFP from the CRA. It will start out at 50% and at different increments of time, the requirement is lessened. She believes at the end of 15 years, 5% of the units remain Workforce Housing in perpetuity.

Mr. McQuire questioned the actual Workforce Housing discount as per market rate.

Mr. Burns stated there are a certain number of units set aside at different levels, the first being 80% of AMI.

Nick Rowe, President of Affiliated Development, was present. He advised there are different levels of

affordability in the building. One bedroom at 80% of AMI, which is 80% of the median income, rents for \$1,380 a month, and a two-bedroom rents for \$1,656 a month, and those numbers are set by HUD every year for every County in the entire country. All Housing policies typically revolves around those numbers.

Mr. McQuire asked if the 5% after 15 years is in perpetuity.

Mr. Rowe replied yes.

Mr. Ramiccio commented that he is very excited, and he likes the changes; the porte-cochere, the drop-off area, the abandonment of the alleyway, and condensing the garage. He is okay with some of the changes because the height is minimal for the height of the building and the increase is two feet for the stairwell. He understands the design changes because if it was a freestanding garage, it would have to be wrapped all the way around with residential. He feels much more comfortable with the way it is designed now and with the appeal, eliminating residential on the ground floor. He likes the way they are handling all the back of the house things off 4th Street behind the gate. He likes the artwork and thinks this is the type of project he can support. He likes the break up between commercial and residential and he likes with what they did to the bus bench feature. He likes the landscaping. If they build to what was shown, it is exciting, it fits in and is compatible.

Mr. Harper concurred with his colleagues. He is glad to see that their requests were taken to heart; it makes him feel that their input was at least considered when making changes. Based on the video and if it is built the way they are planning, it is a place he can foresee himself be a patron.

Vice Chair Buoni mentioned the screen and is glad they covered the maintenance. He reminded the applicant that they are the gateway to the Gulfstream, so that is nice thing to put on the screen.

Vice Chair Buoni opened discussion to the public.

Paul VanStellant, 217 SE 3rd Street, stated that they “nailed” it.

Valerie Pleasanton, 235 SW 13th Avenue, or Boynton ACE Hardware, 510 East Boynton Beach Boulevard, was present. She is not opposed to this design other than the fact that the abandonment of the north alleyway impacts her business as well as the gas station directly east of her. She requested they not abandon the alleyway directly behind her business or the gas station. She thinks they can do the project without that small piece, and it will still allow them to have trucks come in for deliveries. They have a lot of deliveries and service a lot of people in Boynton Beach. There has been a lot of discussion at the store regarding this development and most of it is positive, but there are many people who are emphatic that they want them to stay and in order to stay, they have to be able to run their business and get deliveries. She asked that they consider not abandoning that small portion, so they can continue to use it.

Mr. Simon requested Ms. Pleasanton show the exact location of her business.

Director Radigan stated the red dot represents the existing ACE Hardware.

Ms. Pleasanton commented that the top of the screen shows the store and directly behind the store is the portion they want to abandon.

Vice Chair Buoni asked if Ms. Pleasanton was consulted or if she received a postcard or anything prior to this meeting.

Ms. Pleasanton replied no.

Mr. Burns stated that although they are asking for an abandonment of the full right-of-way, they are not building on Ms. Pleasanton's portion.

Director Radigan pointed out the existing ACE Hardware and showed the area for the abandonment request, and noted that the new dash-line represents the split of the abandoned area. When rights-of-ways are abandoned, half of the land goes to each side of the road and they are proposing within their portion of the road to landscape those areas leaving access.

Vice Chair Buoni asked if there would be enough of the alleyway to get a tractor trailer through.

Mr. Burns stated when they were looking at that they felt they could easily get a tractor trailer through and there are two points of ingress and egress throughout. They are not proposing to build in that area. When looking for an abandonment, Ms. Pleasanton will pick up half as her property.

Mr. Burns indicated that is added property on their behalf, which makes the numbers work well if they are given additional property.

Ms. Pleasanton thinks they are talking about five feet.

Mr. Burns stated the building is not directly upon the alley, so there is still probably another 12.5 to 15 feet between the building and the alleyway, so they still have the 12 feet plus the additional 12.5 to 15 feet, which is enough to accommodate a truck.

Vice Chair Buoni suggested they work with the landscaping and scale it back in a little, so there is enough room for a truck because it could be a box truck or a tractor trailer.

Ms. Pleasanton stated her other concern is that their power poles are on the south side of the alleyway, and it is not clear what would happen with the power poles.

Director Radigan advised that the existing power lines will be undergrounded or relocated.

Ms. Pleasanton mentioned the sewer lines that come from her building and go underneath the alleyway to wherever they go.

Mr. Burns stated they will not be impacting the utility service.

Director Radigan clarified if utilities are remaining in alleyways, there will be easements held over the alleyway to maintain the utilities and access to them.

Ms. Pleasanton indicated that she would appreciate it if they would do something so they could keep that space to drive through.

Mike Meyer, 633 Ocean Inlet Drive, current resident of INCA, expressed similar concerns. He referenced Exhibit D1, which is the Justification Statement or the Abandonment for the north alley, and noted that it does not contain or support sanitary, sewer, cable, or telephone. It seems to be an error in the Justification Statement because there are underground clay pipes coming out of the businesses and overhead power lines. He mentioned another concern regarding the abandonment of NE 1st Street. He thinks it will create a safety issue because they are cutting off for loading and people will be backing out onto 4th Street. He mentioned a couple of clean up items and concerns related to pedestrian access. Originally, when this came through the RFP process it looked like there was a substantial amount of public space. He is going to meet with the group this Wednesday and hopefully clarify some of those things, but it looks like there was a reduction in public amenity space from the original RFP.

Mr. Harper asked Mr. Meyer to explain what INCA is.

Mr. Meyer indicated that INCA is a non-profit. It started in the mid-1990's and represents a lot of the non-HOA communities in District II on the east side of Federal Highway.

Thomas Turkin, Commissioner, 132 SW 2nd Street, was present. He stated this is coming back to the Commission on February 21, 2023, and encouraged Affiliated to meet with the ACE Hardware owner. He also asked Director Radigan to come up with some type of win-win resolution. He thanked the Board for staying late.

Mr. McQuire questioned density.

Director Radigan stated the zoning district is much more than just the allowable height. This is taking advantage of the density within Mixed Use Core that is currently allowed, as they were submitted before the latest amendment to the zoning district.

Motion was made by Mr. Ramiccio, seconded by Mr. Harper, to approve Item 7E including staff recommendations. In a roll call vote, the **motion** passed unanimously. (4-0)

Ayes: Harper, McQuire, Ramiccio, Buoni

Nays: None

- 7F. Approval of three (3) applications for abandonments to vacate a portion of an alleyway located within the northern section of the proposed The Pierce Development AKA North Alley (ABAN 22-001), a portion of NE 1st Avenue (ABAN 22-002), and the full length of an alleyway located within the southern section of the proposed The Pierce Development AKA South Alley (ABAN 22-003). Applicant: Jeffery Burns, Affiliated

Development.

Vice Chair Buoni opened discussion to the public. Hearing none, public comments were closed.

Motion was made by Mr. Ramiccio, seconded by Mr. McQuire, to approve Item 7F with the recommendation to the Commission that they try to work with the abutting property owner of ACE Hardware to see if a resolution or a win-win could be worked out, and including staff recommendations. In a roll call vote, the **motion** passed unanimously. (4-0)

Ayes: Harper, McQuire, Ramiccio, Buoni

Nays: None

- 7G. Approval of four (4) Community Design Appeal requests (CDPA 22-002, 23-006, 23-007, & 23-008) for Chapter 4, Article III, Section 5.F.2.c, Freestanding Parking Garages, prohibiting freestanding parking garages from having frontage on any arterial or collector roadway, to allow for alternative design solutions for the freestanding parking garage as proposed. Application/Agent: Jeffrey Burns, Affiliated Development.

Vice Chair Buoni opened discussion to the public. Hearing none, public comments were closed.

Mr. McQuire commented that they need to focus on moving forward on a Downtown. He thinks their design and colors were non-traditional and he mentioned the vision. It will not be a perfect package, but it is a pretty package.

Motion was made by Mr. McQuire, seconded by Mr. Ramiccio, to approve Item 7G including staff recommendations. In a voice vote, the **motion** passed unanimously. (4-0)

Ayes: Harper, McQuire, Ramiccio, Buoni

Nays: None

- 7H. Approval of Height Exception (HTEX 23-001) for Chapter 4, Article III, Section 6.F.2.c. to exceed the maximum height of 75 feet for a freestanding parking garage to allow for a height of 77 feet 11 inches for the egress staircase. Applicant/Agent: Jeffrey Burns, Affiliated Development.

Vice Chair Buoni opened discussion to the public. Hearing none, public comments were closed.

Motion was made by Mr. McQuire, seconded by Mr. Harper, to approve Item 7H including staff recommendations. In a roll call vote, the **motion** passed unanimously. (4-0)

Ayes: Harper, McQuire, Ramiccio, Buoni

Nays: None

- 7I. Approval of a New Master Plan (MPMD 22-005) and New Major Site Plan Modification (NWSP 22-004) application for a mixed-use development consisting of an eight (8)-story building with 300 dwelling units, 17,089 square feet of commercial space, associated recreational amenities, and parking on a 3.04-acre site. Applicant: Jeffrey Burns, Affiliated Development.

Vice Chair Buoni opened discussion to the public. Hearing none, public comments were closed.

Motion was made by Mr. Ramiccio, seconded by Mr. Harper, to approve Item 7I including staff recommendations. In a roll call vote, the **motion** passed unanimously. (4-0)

Ayes: Harper, McQuire, Ramiccio, Buoni
Nays: None

8. **Other** – None.

9. **Comments by Members** – None.

10. **Adjournment**

Upon **Motion** duly made and seconded, the meeting at was adjourned at 10:05 p.m.

[Minutes prepared by C. Guifarro, Prototype, Inc.]



MINUTES
PLANNING AND DEVELOPMENT BOARD
100 E. OCEAN AVENUE, BOYNTON BEACH, FLORIDA
TUESDAY, FEBRUARY 28, 2023, 6:30 P.M.

PRESENT:

Trevor Rosecrans, Chair
Butch Buoni, Vice Chair
Chris Simon
William Harper
Jay Sobel

STAFF:

Amanda Radigan, Planner and Zoning Director
Andrew Meyer, Senior Planner
Sean Schwartz, City Attorney
Carla Blair, Prototype, Inc.

ABSENT:

Tim Litsch
Courtlandt McQuire

GUESTS:

Javier Cappelletti, Owner, Miraflor Palm Beach, LLC.
Bradley Miller, Urban Design Studio
Lauren Burney, Urban Design Studio

The meeting was called to order at 6:32 p.m.

1. Pledge of Allegiance

2. Roll Call

Roll was called and it was determined a quorum was present.

3. Agenda Approval

Motion made by Mr. Sobel, and seconded by Vice Chair Buoni, to approve the agenda. In a voice vote, the agenda was unanimously approved (5-0).

4. Approval of Minutes

- 4.A. Board minutes from the 02/06/2023 Planning & Development Board meeting are not yet available. Approval of these minutes will be during a future meeting.

5. Communications and Announcements: Report from Staff

Amanda Radigan, Planning and Zoning Director, reported on several items that were heard before this Board as follows:

- The series of the LDR Regulation Amendments. The first was to establish the immediate

Development Agreement process that was adopted and approved by the City Commission. The second was regarding the modification to the commercial frontage. This Board recommended denial and it was also denied by the City Commission, so the Amendment did not move forward. The third modification was to the payment in lieu of Work Force Housing Ordinance, which was approved by the City Commission.

- The series of items tied to the Town Square Project was the Master Plan and this Board recommended denial. It was approved by the City Commission on February 21, 2023. There was also a series of other items related to the Master Plan, which were approved concurrently.
- The next series of applications were related to the Pierce Project; the rezoning, abandonment, variance, community design, height exception, New Master Plan, and New Site Plan. It has had one of the two required meetings and they have been recommended for approval. They will all be heard again at the next meeting on March 9, 2023, for final approval.

6. Old Business: None.

7. New Business:

- 7A. Approve New Site Plan and New Master Plan for Miraflor Apartments to allow for the construction of a multi-family residential development consisting of 58 rental apartments within five (5), two/three-story structures with associated residential improvements on 3.87 acres, located on the west side of North Seacrest Boulevard across from Mentone Road in the IPUD zoning district. Applicant: Javier Cappelieti, Miraflor Palm Beach, LLC.

Sean Schwartz, City Attorney, swore in the public.

Bradley Miller, with Urban Design Studio, was present on behalf of the applicant, along with Lauren Burney, from his office. He thinks this is the third time he has represented this property; the last time was in 2020. Since then, the Site Plan expired. They took the old set of plans that were approved in 2020 and resubmitted them; the project is identical.

Lauren Burney, with Urban Design Studio, provided a brief presentation of the project as follows:

- The request for the New Site Plan and New Master Plan. She emphasized this is the reapproval of the same Site Plan.
- The site is located just south of Hypoluxo Boulevard.
- Current zoning is an Infill Plan Unit Development, PIUD.
- The Future Land Use is High Density Residential.
- Entitlement History: In 2007, this site was annexed into the City of Boynton Beach from Unincorporated Palm Beach County. That Site Plan included 40 townhomes, which were proposed as non-fee simple at the time and it was not determined if they were to be for sale units. The annexation also had a Rezoning Future Land Use request, which was rezoned to Medium Density Residential Type. That Site Plan expired, and nothing happened on the site until June 2020, when Mr. Miller came in front of the City with a New Site Plan Rezoning and Future Land Use

Amendment. This Rezoning was from an R-3, which is Medium Density Residential Type to the IPUD in effect today. There is also a Future Land Use Amendment from Medium Land Use Density Residential to High Density Residential. The Site Plan before the Board is identical to the one approved in June 2020, with 58 apartment units spread across five buildings on the same site configuration. The Site Plan expired in December 2021, and they are requesting approval of that Site and Master Plan.

- They are proposing 58 units, with a mixture of two-bedroom, two-bathroom units, and three-bedroom, two-bathroom units. The minimum size of the units is 1,000 square feet up to about 1,100 square feet.
- When coming into the right, there is a community office and dry retention. There are two green boxes in the middle of the site, which are the recreation and open space areas. There is also continuous sidewalks and pedestrian amenities throughout the site and benches. They are providing eight electrical vehicle charging stations for the 58 units proposed. There is a landscape buffer around the entire site, they are providing ten feet along the southern portion, ample along I-95, and the required on the northern portion of the property.
- They are providing more than ample required canopy trees and they are exceeding sustainability requirements.
- The southern portion of the property is adjacent to the Pine Point Condominiums. There is an existing FP&L power pole along the property line on the southern portion and an existing six-foot high hedge along that portion of the property. Then there is the property line and six-foot high fence, and there will be various trees, shrubs, and grass along the property line.
- A Site Plan aerial was shown.
- The architecture has remained unchanged from the prior approval, nothing has been modified. There is some new color on the boards. There are two different building types and three different colors. All the buildings are a maximum height of 40 feet and the mean height is 35 feet, which is consistent with code. No waivers are being requested for height.
- Smaller and larger buildings were shown.
- A front aerial view was shown facing west towards I-95, which shows access onto Seacrest Boulevard.
- A view showing the southeast corner facing northwest.
- A view from Seacrest Boulevard was shown.
- A view was shown when driving down Seacrest Boulevard.

Staff recommends approval of the Site Plan and Master Plan. The only difference is that they met the sole conditions of approval that were previously required. The client agrees all of the current conditions of approval; most are in permitting.

Andrew Meyer, Senior Planner, stated he did not have anything to add.

Chair Rosecrans opened discussion to the public.

Doug Bond, Pine Point Condominiums, was present. He stated that his biggest concern is noise, traffic, and how it will devalue their property.

Chair Rosecrans questioned if there are peak hour counts.

Ms. Burney indicated that a Traffic Study was completed and a TPS letter is forthcoming, as part of the condition of approval. They are accommodating 425 daily trips, and this is well under what is allowed in this area. Palm Beach County has agreed with their Traffic Study.

Chair Rosecrans mentioned noise, the buffer, and landscaping.

Mr. Simon stated there is a chain link fence on the southern buffer. One of his comments was if there is any potential for substituting with a six-foot wall to help mitigate with noise and litter.

Ms. Burney advised they have already moved the buildings inward closer to the northern portion of the site and what they are providing is required, and there is a six-foot high hedge on the Pine Point Condominium community, so that hedge in addition to the fence, tree planting, hedge planting, and the grass, they feel will provide more than enough buffer.

Mr. Simon mentioned open areas on the south side of the property where there are active spaces and asked if there will be birthday parties and speakers with music.

Mr. Sobel commented on the drawing and asked if that is an elevator.

Ms. Burney replied it is a staircase.

Chair Rosecrans closed public discussion since there were no more comments.

Mr. Sobel asked if there are elevators in the three-story building.

Ms. Burney stated that three-story buildings are not required to have elevators.

Mr. Sobel expressed concern with cars driving in at night on the southern entry, which is where parking is, and questioned if there is any buffer for the lights. He wants to make sure residents to the south will not be disturbed by the lights.

Ms. Burney understood. She advised that cars coming in by the six-foot hedge protects any light from coming in, along with the hedges and shrubs.

Vice Chair Buoni mentioned the single point entry and exit and questioned what alternative emergency vehicles and residents have if there is an emergency or accident.

Ms. Burney indicated they coordinated with the Fire Department. Due to the configuration, there is not another option for entry and exit to the site. They can meet with the property owner to come up with a security plan if needed.

Vice Chair Buoni suggested they coordinate with owners to the north. His second concern is if there is any way to put butterfly bushes in.

Ms. Burney stated they have a 5% requirement, and she is sure a little more was provided.

Mr. Simon commented on the southern access point next to the sidewalk and asked if there are enough spaces in the trees for fire trucks to get through.

Ms. Burney stated they can work through that with permitting.

Mr. Simon mentioned that it seems kind of odd that there is a requirement for handicap parking spaces, but not elevators. He asked if handicap apartments are on the first floor.

Ms. Radigan advised that elevators are regulated within the Building Department. She believes elevators are required above 45 feet, but for three stories and up to four or five stories, they are allowed to be walk ups. Handicap parking is required for all commercial and multi-family, so because this is commercial, they have handicap parking required. She believes minimum Housing would require that handicap accessible units are on the first floor.

Mr. Simon thinks they have potential for a little more landscape infill on the northern side because there is an unsightly circumstance to the northwestern portion of the project. If there is a little more material they can infill with, whether it is trees or shrubs, because what is seen on the landscape plan are individual trees across the north side of the buildings, and it looked a little misleading.

Mr. Miller stated the north property line is tricky to deal with. Some of the concerns about plant material on the north side are in relation to the roots.

Mr. Simon noted that a root barrier system could be installed.

Mr. Miller thinks with the canopy trees, they will probably have to do that.

Mr. Sobel stated this is a commercial venture and they want to sell the units, but to make them sellable, they have to do something. He thinks they can trust in the commercial interest of the property owner that they want to make this a success and he is going to provide whatever is necessary.

Mr. Miller agreed with Mr. Sobel. Pine Point Condominium residents to the north are very quiet. He clarified these are intended to be rental apartments, but Mr. Sobel's point is taken for the success of the project.

Mr. Simon mentioned the cemetery to the north and asked if there are gates that lock at a certain time.

Mr. Miller believes they have a gate or a bar, so from a vehicular standpoint, there is an attempt to keep people out. He noted there is no fencing to screen along Seacrest Boulevard, but there is a fence on the north side.

Chair Rosecrans commented on Code Section C on the Civil Plan and stated there is a 4:1 slope that looks like it comes up and starts a foot away from the building. He questioned if there is anymore storage space inside the dry retention area that might be stretched a couple feet, so it is not step out the back door and tumble down the grassy slope.

Mr. Miller stated that is a good point and he could not answer. That is something they will have to have Civil look at.

Chair Rosecrans suggested having Civil Engineers look at it because if there is enough storage, they can afford to stretch it out a little.

Mr. Miller commented that drainage is tight.

Motion made by Mr. Sobel, seconded by Mr. Harper, to accept Item 7A as stipulated in the documents. In a voice vote, the **motion** passed unanimously. (5-0)

8. **Other** – None.

9. **Comments by Members** – None.

10. **Adjournment**

Upon **Motion** duly made and seconded, the meeting at was adjourned at 7:04 p.m.

[Minutes prepared by C. Guifarro, Prototype, Inc.]



MINUTES
PLANNING AND DEVELOPMENT BOARD
100 E. OCEAN AVENUE, BOYNTON BEACH, FLORIDA
TUESDAY, MARCH 28, 2023, 6:30 P.M.

PRESENT:

Trevor Rosecrans, Chair
Butch Buoni, Vice Chair
Chris Simon
William Harper
Courtlandt McQuire
Thomas Ramiccio, Alternate
William Cwyner, Alternate

STAFF:

Amanda Radigan, Director, Planner and Zoning
Andrew Meyer, Senior Planner
Sean Swartz, Assistant City Attorney
Kathryn Matos, Assistant City Manager
Carla Blair, Prototype, Inc.

ABSENT:

Tim Litsch
Jay Sobel

GUESTS:

Christina Belinky, with Denning and Backman
Adam Kerr, with Kimley-Horn
Josh Horning, with Kimley-Horn
Harry Woodworth, resident
Yvonne Skovron, resident
Barbara Hamilton, resident
Barbara Ready, resident
Geert Blevacq, owner

The meeting was called to order at 6:30 p.m.

1. Pledge of Allegiance

2. Roll Call

Roll was called and it was determined a quorum was present.

3. Agenda Approval

Motion made by Mr. Harper, and seconded by Mr. Simon, to approve the agenda. In a voice vote, the agenda was unanimously approved (7-0).

4. Approval of Minutes

4.A. Board minutes from the 02/28/2023 Planning & Development Board meeting

Minutes were tabled.

5. Communications and Announcements: Report from Staff

Amanda Radigan, Director, Planning and Zoning, reported at the last meeting in February, the Board heard an item titled Miraflor Apartments for their new Site Plan and Master Plan. The project was heard and approved by the City Commission.

Assistant City Attorney Sean Swartz swore in everyone intending to speak.

5.A. Discuss process for providing an annual report to Commission.

Kathryn Matos, Assistant City Manager, provided the following updates:

- The City Commission requested an annual report from each Board, and they are doing one Board a month during the Commission meetings. The Board liaison will coordinate the date, and the report is to look back on what happened the previous year and anything they are looking to do in the coming years. This Board's report will probably be straightforward as they review development items, but members can bring anything to the Commission. There is no set format or template. The only requirement is that the report receives consensus from all the Board members before it is brought to the Commission.
- They are going to be opening a Visitor Center in the lobby of City Hall and are looking for volunteers. She is going to pass a sign-in sheet around if anyone is interested.

Vice Chair Buoni questioned the timeframe on manning the Visitor Center.

Assistant City Manager Matos replied the schedule for the Visitor Center will be Monday through Saturday from 9:00 a.m. to 5:00 p.m. and they are looking at two four-hour shifts a day, one from 9:00 a.m. to 1:00 p.m. and the other from 1:00 p.m. to 5:00 p.m.

Mr. Simon mentioned the annual report and asked if those are items to be added other than projects that are approved or not approved, and if it is managed via email correspondence.

Assistant City Manager Matos stated the Board liaison can facilitate that. Anything members would like to add to the report could be emailed to the liaison and it will be brought back to the Board for a consensus.

Mr. Simon asked if there is a date.

Assistant City Manager Matos stated the month is up to the Board. She will send a list of available dates.

Vice Chair Buoni asked if the report has to be done individually or if they can do a working group and put something together.

Ms. Radigan advised this is new and the direction they have been told is that this is a product from the Board, which she can help facilitate. She highly suggested there is a frontrunner from the Board who takes lead on this, and the end product would be approved overall by the Board, as a consensus must be shown before presenting it to the Commission.

Chair Rosecrans questioned who attends the meeting.

Ms. Radigan stated it would be a about a five-minute presentation to the City Commission, so they want something written to put in the backup.

Mr. Simon asked if this is something they need to discuss at a follow-up meeting in the next month or two.

Ms. Radigan indicated they could have a discussion.

Chair Rosecrans asked who is going before the City Commission first.

Ms. Radigan could not recall the schedule, but stated the Art Board is in April. She noted they need to select one person to present from the Board.

6. Old Business: None.

7. New Business:

NOTE: Items 7A and 7B were heard in tandem and voted on separately.

- 7A. Approve request for two (2) Community Design Appeal requests (CDPA 22-005 & 23-009) of Part III, Section 6.F.2.d., which requires habitable floor area to wrap all upper-levels of the parking structure where the structure has frontage along a public right-of-way, to allow for alternative design solutions for the facades of parking garage as proposed and of four (4) Community Design Appeal requests (CDPA 23-001, 23-002, 23-003, & 23-004) for Part III, Chapter 3, Article III, Section 5.C.1, Table 3-22, Footnote 7, which requires that buildings be placed at a distance from the property line no greater than to accommodate for the pedestrian zone, to allow for a step-back provided at the ground floor. Applicant: Brian Bartczak, BB1 Development LLC.
- 7.B. Approve request for Major Master Plan Modification (MPMD 23-002) and Major Site Plan Modification (MSPM 23-003) to the Ocean One project to allow the construction of a mixed-use development consisting of an eight (8)-story building with 371 dwelling units, 25,588 square feet of commercial space, associated recreational amenities, and parking on a 3.71-acre site, located east of North Federal Highway between East Boynton Beach Boulevard and East Ocean Avenue, in the MU-C (Mixed-Use Core) zoning district. Applicant: Brian Bartczak, BB1 Development LLC.

Christina Belinky, with Denning and Backman, stated that she is covering for her colleague and does not have all the history, but will do her best. Their consultant team is present as well to answer any questions. She provided a brief Power Presentation as follows:

- The property is located on the north side of Ocean Avenue, south of Boynton Beach Boulevard, east of Federal Highway, and west of NE 6th Court. The property is about 3.71 acres and is zoned Mixed-Use Core. It is the highest density and intensity within the Downtown. This property is allowed a density up to 100 dwelling units per acre and a maximum height up to 150 feet.
- This property came before the Board for a proposed development plan, which was approved in 2017, for 358 units, about 12,000 square feet of commercial space, 120 hotel rooms, and it was an eight-story product that was to be developed in two phases. Alongside that, there was Site Plan approval for the northern half, with about 251 units and structured parking. With that approval, there were community design appeals for the garage that is required to be wrapped in habitable space and for the build to lines. Approved elevations include the east and north elevations along Boynton Beach Boulevard, and the west and south elevations.
- They are seeking a Major Master Plan Modification and a Major Site Plan Modification. They are proposing a Mixed-Use development that consists of an eight-story product, with 371 dwelling units, and 2,588 square feet of commercial space with associated recreational amenities and parking.
- Some of the major differences between what was previously approved versus what they are proposing include reconfigured building areas, open spaces, a parking structure, and a location of the Art to provide focus on open space and public plazas, mainly along Ocean Avenue and Federal Highway, which are the main thoroughfares. They are increasing the unit count from 358 to 371 with a change in unit mix, but the hotel use is no longer being proposed. The approved Master Plan contemplated 120 hotel rooms. They are proposing to increase the commercial component from just over 12,000 square feet to 2,500 +/- with more active uses along the pedestrian and primary streets. The old plan had a lot of pedestrian uses, which were not true commercial uses. They had an amenity/gym area on the first floor, which the developer agreed to open to the public to create more of an active use, whereas this contemplates a true Mixed-Use product with real commercial use retail use incorporated into the project. They are also expanding the useable open space by 36.75%, from 2.5% on the old Site Plan, and it should be to 39.25%. It is a significant increase in open space. They are also reconfiguring the Site Plan to eliminate surface parking, insulate the parking garage, and add more lush plantings.
- The proposed Master Plan and Site Plan have been combined, since it is being developed as a single phase. Ocean Avenue will have the main commercial uses and in the center, there is a significant pedestrian plaza that will not only break up the frontage in terms of the building mask, but create a true amenity for the commercial areas and for residents within the Downtown area. They want to activate the pedestrian areas and commercial uses and provide an attraction for people to congregate and for residents to meet with friends and have coffee. Along Ocean Avenue there is a significant public plaza and also along the Federal Highway frontage they have a pedestrian area as well that is centered between the two commercial spaces. There is main access off Federal Highway and there is a circular drive with a covered drop-off area for residents or guests and it also provides access to the garage.
- There is a private amenity space located at the northeast corner along Boynton Beach Boulevard and NE 6th Court at the intersection and that is for enjoyment by the residents. A pickleball court is being proposed as well as a pool and amenity deck.
- A rendered ground level plan was shown along with the typical floor plan and proposed elevations.
- The proposed applications include the Ocean Avenue frontage, the North Federal Highway

frontage, and then the Boynton Beach frontage and NE 6th Court frontage. There is a green wall where the parking garage is located and there are going to be vines that climb and provide a nice screen.

- They are requesting some Community Design Appeals. They are requesting two related to habitable space that is required to wrap the garage, which is along the Boynton Beach Boulevard and NE 6th Court frontages. The Code also requires the buildings to be pushed up against the street, so there is a build-to-line requirement. They are proposing to step-back the building in those key locations to provide for the pedestrian zones.
- This property is a little unique because they have street frontages on all four sides, so it makes it a little more difficult to locate the garage. They want to make sure there is movement and pedestrian plazas along the primary street frontages. The garage was pushed towards NE 6th Court and enhanced by providing architectural elements along the NE 6th Court frontage and the green wall along East Boynton Beach Boulevard.
- Related to the build-to-line, this area is the North Federal Highway frontage. They are set back around 99 feet from the property line and that is to allow for the drop-off area and pedestrian area between the two commercial spaces. A rendering of the proposed frontage was shown, so the main area heading towards the center is the drop-off area with a canopy that leads into the garage and there is a public realm which will help provide shade for pedestrians, residents, and guests to enjoy the open space.
- Ocean Avenue frontage is set back about 115 feet to provide for the pedestrian realm.
- There are nice steps that provide an entrance into the pedestrian realm, which is attractive and provides a nice focal point and then there is an area for seating. The build-to-line appeals for both Boynton Beach Boulevard and NE 6th Court, and that is related to the private pedestrian areas. They focused on providing substantial landscaping along the area to enhance the pedestrian realm.
- In terms of building massing, she thinks their Design Team has done a good job of proposing a building that breaks up the façade; she thinks the maximum building height is about 95 feet and it is eight stories. It is fairly in line with the development around it and within the area.

Staff is recommending approval subject to the conditions, and they are going to continue working with staff to make sure they address those conditions of approval.

Assistant City Manager Matos advised the City has a short presentation.

Andrew Meyer, Senior Planner, provided a brief Power Point presentation for Ocean One as follows:

- The applicant is requesting a Major Master Plan Modification and Major Site Plan Modification as well as six associated Community Design Appeals; two for the habitable floor area wrapping the upper levels of the parking garage and four for relief from the build-to-line requirements.
- In 2013, there was an existing bank building located at this site that was demolished, but the parking was left intact, which still remains today. In 2017, the site was rezoned from Central Business District to Mixed-Use Core and a Master Plan was approved for an eight-story Mixed-Use building with 350 dwelling units, 120-room hotel, and 12,075 square feet of commercial space. The site remains vacant, and the Master Plan approved in 2017 is still in effect. The zoning of Mixed-Use Core remains as is and no application for rezoning is required.
- The project site is located on the eastern end of the area of recently approved Mixed-Use projects

within the City. The Site Plan proposed is 371 dwelling units with 25,588 square feet of commercial, which also includes amenity areas and an integrated parking garage.

- The Plan proposes street trees in all rights-of-way and provides additional landscaping within the plaza areas carved out of the building.
- Proposed elevations for the east and west sides of the building were shown as well as the north and south elevations.
- The applicant is requesting a total of six Community Design Appeals. Two of the Appeals are relief from the Code requirement that all upper levels of the parking structure be wrapped with habitable area where the structure has frontage along public rights-of-way.
- Along Boynton Beach Boulevard the applicant is proposing a vine system to cover the garage to the side. The request has been conditioned to provide a more detailed plan for the vines and that it be designed to match the architecture of the rest of the building. Staff is looking for more design on the façade to meet the intent of the Community Design.
- Along NE 6th Court the applicant is proposing a design that consists of stucco perforated metal panels and an architectural framework design feature. The request has been conditioned to provide a façade along NE 6th Court, which further incorporate design features to better conceal the garages façade including options such as a vine similar to the one proposed on Boynton Beach Boulevard with all the other conditions for the other façade as well, or providing additional architectural features such as windows or balconies to create the appearance of habitable space.
- The remaining four Community Design Appeals are relief of the Code requirement that the building façade be placed on the build-to-line, which is a function of the pedestrian zone. These buildings would be located further from the build-to-line, so further into the property. The building design includes public plazas on North Federal Highway and East Ocean Avenue, which includes features such as landscaping, awnings, canopies, and water features. In addition, they have two proposals of frame for the wood tile architectural feature to create a building base. They also have proposed landscaping between the sidewalk area and the active area within the pedestrian zone. The project has also been conditioned to create additional architectural features and an additional building base along the remainder of the rights-of-way, so they have provided that feature along Federal Highway, but staff is also looking for that treatment along East Boynton Beach Boulevard and East Ocean Avenue. The project is also conditioned to include additional architectural embellishments such as windows and balconies along the faces of the building to avoid a blank wall appearance, and to provide increased landscaping along the rights-of-way.
- Staff has reviewed the request and recommends approval of the Major Master Plan Modification and Major Site Plan Modification as well as the six Community Design Appeals, subject to approval of the incumbent conditions, applications, and satisfying those conditions indicated in Exhibit C.
- Should the Board or Commission recommend additional conditions, they will be documented accordingly in Exhibit C.

Chair Rosecrans opened discussion to the public.

Phil Myer, resident, 633 Ocean Drive, was present on behalf of 400 homes in Boynton Beach on the east side of Federal Highway. Generally, they are opposed to the project, but if the Board approves it, they would like to see some changes. He questioned the square footage of the smallest unit in the building.

Mr. Ramiccio replied it is in the mid 500s.

Mr. Myer stated one of their requests for conditions would be to have a unit size of 750 or 800 square feet. He noted the penthouses would be looking down, which would be devalued because they are looking at air conditioning units. Perhaps they could do some type of rooftop amenity or gardening on top. He mentioned storm water and stated there are a lot of flooding problems in the area, so another condition could be for 100% storm water retention on the site.

Chair Rosecrans believed they are already required to maintain 25 years. There is a requirement for retention on storm water.

Mr. Myers asked if it could take on any capacity for others in the area.

Chair Rosecrans did not want to speak to the Engineering plans. He stated they typically try to maintain everything up to a certain storm event; it is on site storage. He indicated they would find out.

Mr. Simon commented that the requirements are the same that every other house and project have to meet.

Mr. Myers reiterated that they are generally opposed to the project and think there needs to be protection because it is fronting on four sides of the building.

Harry Woodworth, resident, 685 NE 15th Place, Boynton, mentioned a traffic concern. He likes the setback idea about making things more attractive, and the math with the parking was very entertaining. He commented that this project screams of TOD and transit; the transit there is a couple of bus stops, they do not have a train station and never will. It does not come close to meeting any of the requirements of the TOD train station and there is no space, money, or population for a train station. He requested that they stop the insanity.

Yvonne Skovron, 350 North Federal Highway, Boynton Beach, Casa Costa, mentioned the diagrams and stated she did not see the air conditioning units and asked if they are going to go on the rooftops. If so, she asked if there is a way of designing it so people on the south side of Casa Costa do not look directly at 371 air conditioning units. She commented on the parking garage, which is a piece of concrete, and noted that it is going to be at least 85 feet. She stated that vines will take years to grow. She questioned how many parking spaces are designated for commercial and how many parking spaces are designated for the current commercial because the City has taken away 150 parking spaces on the west side of Federal Highway. She asked where people are going to park if there is all this commercial space. She mentioned traffic and stated the parking exit is on Federal Highway with a right turn to head north. She asked what happens if someone wants to head south and if they will be able to do U-turns at the traffic lights. If so, that will hold up traffic even more.

Barbara Hamilton, resident, 625 Casaloma Boulevard, expressed concern regarding parking. If there is no additional parking, there is going to be a crisis. They have about 100 public spots and are already in crisis. There are always traffic jams, accidents, hits and runs, angry people who want to park and go to the Marina or restaurants, and there is no parking. Additional properties and traffic will create more of a crisis. She questioned if any of the parking spaces in the development are allocated for public parking. She urged the

Board to sit 15 minutes in the morning and afternoon to observe the situation. There is a single lane on Ocean Avenue and a single lane going out on Ocean Avenue, and then there is a turnaround. Boynton Beach Boulevard has a single lane in and out and then there are the units from Casa Costa using that to access parking.

Barbara Ready, resident, questioned where the 120 hotel rooms went. This was probably the most likely spot to put a hotel facility close to the Marina and close to the ocean, and now they are going to have 25,000 square feet more commercial space. She questioned if a survey has been taken to see how much empty commercial space there is and if 25,000 square feet of additional space is needed, or a hotel, or an office building, which is what they were promised in the first place for this location. She chaired the Arts Commission and was in charge when the PNC Bank came forward and they wanted a green wall. It sounded good, but currently it is more like a weed wall. She urged the Board to recommend to the City Commission and the CRA Board that they update their Master Plans, LDR's and all their other things to stop with the Transit Oriented District nonsense. They are never going to have the rooftops, not even for the tiniest train stop they could ever imagine. No one is going to stop in Boynton Beach to see all the empty commercial space. She thinks a serious recommendation from this Board to the City leaders is called for because those things need to be updated and they need to acknowledge they are never going to have a train depot.

Hearing no further comments, Chair Rosecrans closed the public discussion.

Chair Rosecrans indicated they have seen the traffic and congestion Downtown. He noted whether this Board votes yes or no, this will still go to the Commission, and that is where they need to voice their grievances and concerns. He asked if the applicant wanted to respond to any of the comments.

Ms. Belinky knows everyone is invested in their community and they want to see the best project move forward. In terms of many of the architectural questions on the green wall, to staff's point there are numerous conditions of approval that do address those same concerns. Their team has gone back to the drawing board and are not representing any updated elevations because they have not vetted them with staff yet, but they are hoping to do so in the near future to make sure what they are proposing is what they are visioning as well. They have to continue to work through the conditions of approval with staff. With regard to square footage of the units, the smallest unit is 551 square feet; it is a studio, but they do range up to 1,209 square feet. As far as air conditioning units, the City Code requires them to be screened and they will be screened with architectural elements that go with the rest of the building as a whole. In terms of the hotel, the previous developer vetted that thoroughly and could not make that proposal come to fruition. Ultimately, that project was not able to move forward, which is why they are back. Some residents might like other uses, but this developer is coming forward with a plan they think will work and meet the commercial uses successfully with the incorporation of the additional residential units and the public open spaces that will support them.

Adam Kerr, with Kimley-Horn & Associates, addressed traffic and parking questions. As far as traffic, they received approval from Palm Beach County, but they also did a detailed analysis at the request of City staff to look at specifically the major intersections near Boynton Beach Boulevard, Federal Highway,

and Ocean Avenue. Those were addressed in the traffic study and shown to meet the level of service and turn lights would be appropriate with this additional dump.

Chair Rosecrans questioned the current level of service at the intersection.

Mr. Kerr replied the current level of service at Boynton Beach Boulevard and Federal Highway is “D” and in the future it will also be “D”. As far as parking, the parking garage is divided into a gated area for residents and the area is open to the public for retail use. The number of spaces available for public use is 171 spaces, which exceeds the retail parking requirement, which is 128 spaces; it is in excess of 43 spaces.

Chair Rosecrans asked if Mr. Kerr knew anything about drainage, onsite storage, and retention.

Josh Horning, with Kimley-Horn & Associates, advised the developer is required by South Florida Water Management to meet the pre versus post discharge analysis. They not only analyzed the existing condition, but compared it to a post condition to make sure they are not discharging and there is runoff from the parking lot. They are building significant storage to mitigate for the building. They likely will not need to provide underground storage at this point.

Chair Rosecrans questioned the storm frequency they are required to have.

Mr. Horning stated it is 25 years. There is some existing runoff and they are mitigating with the exfiltration trench. They are discharging runoff to the City’s Downtown Master System, which is on NE 6th Court. To address some of the flooding concerns, they are also improving NE 6th Court with additional mitigation.

Chair Rosecrans asked if this is connected to the City’s drainage system.

Mr. Horning stated it is likely at the low end where it starts to come up towards the bridge and there is probably some flooding due to King tides.

Chair Rosecrans asked if any rain in October or November might get complicated.

Mr. Horning replied it would.

Ms. Radigan commented that there are some specific conditions of approval and two that came up were the air conditioning and vines.

Chair Rosecrans commented that green walls can be a challenge to maintain.

Mr. McQuire thanked staff and the applicant for the presentation. He liked the use of commercial space and believed that the actual number was somewhere in the 23,000 to 25,000 range.

Ms. Binkley clarified commercial is 25,500 square feet.

Mr. McQuire stated that exceeds the Town Center parcel of over 900 units commercial spaces. For that, he thinks it is good for the community. He was happy to see parking and thinks the community wants something to do Downtown. He liked how they handled parking on NE 6th Court and where it came off some of the main arteries. As far as breakouts between studios, one bedrooms, and two bedrooms, he would like to know what that really is. He imagined the cost per square foot comes down significantly for

younger Workforce people. He is not against smaller residences; it may be a reality of cost. He was not sure of the wall, but he has seen fake balconies and windows in West Palm Beach and Fort Lauderdale and he would like them to deliver that to the Arts Board. He thinks there is a possibility for a mural or some kind of artwork that could captivate the community and add to a Downtown experience. He liked the green wall, but they are hard to maintain. He also liked the setbacks off the main arteries where they are not building out to visible space. Overall, it is better than the first few proposals.

Mr. Simon mentioned parking is far from the commercial areas. The plan is nice other than the distance to and from the parking garage.

Mr. Ramiccio asked if Mr. Camalier is still the property owner or if the property has changed hands since the last time the Plan was approved.

Ms. Radigan understood that the current people they are working with are contract purchasers.

Mr. Ramiccio mentioned that in October and November 2022, this Board had a lot of debate and conversation about TOD and they talked about the densities and thresholds that the City would have to have in order to compete for a station. He noted a staff report was written to the Commission after the Board's conversation and then they saw some recommendations to the effect that they neglect to see the City Commission along with this Board a transition from TOD to a traditional Downtown District. He commented at the next meeting that Ms. Radigan had listened to the Board and their concerns since from a practical standpoint, they are not going to have a train station. Steven Abrahams is the Regional Transportation Authority Ms., the County has the old MPO, which is now the TPO, and he asked how the information being given to Ms. Radigan that a TOD is even being considered because once Brightline was approved on FEC tracks, the TOD conversation in 2014, went away for Boynton Beach.

Ms. Radigan suggested this be a separate discussion item among the Board, as it is irrelevant to this application, this application is not suggesting any type of rezoning, they already having their zoning and are only doing a Master Plan and Site Plan. Currently, the zoning the property has is the Mixed-Use Core with the Mixed-Use High. The conversation Mr. Ramiccio referenced about the TOD transitioning into a Downtown was the establishment of a new zoning district that has not yet been put on the ground. Anything that has current zoning is vested with their rights and this is one of the properties that did have their zoning in place.

Mr. Ramiccio asked if there is any correction to his factual information about a TOD not even in the twenty-year or five-year plan for the County or any Planning Agency.

Ms. Radigan stated they need to talk about the facts around that.

Mr. Ramiccio mentioned the reason it is important is because traffic concurrency, traffic circulation, and parking are all reduced and adjusted based on the TOD.

Ms. Radigan stated that they are not. Their TOD is generally an overlay and the only real bonuses within the TOD have to do with either density and FAR and now some of those are tied to Workforce Housing. She believes the traffic concurrency references to the traffic concurrency redemption area, which is within the County's Comp Plan and the City's Comp Plan; it is not a factor in the TOD. It does an overlay in the

TOD, but does extend past the TOD boundaries and was in place way before a TOD was an acronym. This happened several years ago, and it was a response to anti-sprawl. They were pushing at that time, development on the east side versus the west side. Again, these boundaries are still in place and she thinks they are diverting far from this specific application. If the Board wishes, they can add an item to further this discussion.

Mr. Ramiccio commented that he brought it up because it was mentioned that it is a long-term vision of the City, and he thought they were going away from that.

Ms. Radigan stated they can, but they must be sensitive to the rights and this is the situation in the application in front of the Board.

Mr. Ramiccio mentioned the configuration of the project and stated they were looking for more engagement. He asked if there is commercial on Ocean Avenue at each end of the public plaza and if they are engaged on Ocean Avenue as well as on Federal Highway or just on the Ocean Avenue side.

Geert Blervacq, architect, stated it is correct that commercial uses belong to Ocean Avenue, North Federal Highway, and on the corner of Boynton Beach Boulevard.

Mr. Ramiccio asked if he was missing commercial on the frontages of the buildings. To him, they look residential.

Mr. Blervacq stated the rendering is completely commercial.

Mr. Ramiccio questioned if they are using any on-street parking as part of the calculation for this project.

Mr. Blervacq stated they used the on-street parking that they are creating off Federal Highway and NE 6th Court.

Mr. Ramiccio mentioned the green wall treatment and asked if he was okay with doing windows instead of the green wall and other architectural treatments. He thinks most of the Board have seen treatments with a green wall and although they like the concept and it looks good in practicality for an eight-story building, he thinks it is not practical. They are looking for it not to look like a blank wall.

Ms. Belinky stated they initially had a treatment similar to what is on NE 6th Court and staff was looking for them to elevate that a little, which is why they came back with the green wall. They understand that staff has a condition of approval to look at enhancing that. They can continue those discussions as they finalize that design element with City staff.

Mr. Simon commented that he appreciated the movement of the building, it is much more appropriate and a better use of space, and it can prove to other developers that something can be designed to allow for the density desired without having to push 80-foot or taller walls to the sidewalk and to adjacent properties. It reduces the sense of large City feel. He is in favor of allowing for the building not to be built up to the building. They have allowed for large public open spaces that can be used by commercial sites. Hopefully there is open wi-fi on the property. The presentation indicates they have allowed for a public Art location at the northeast corner of the intersection. He questioned if that is the appropriate location for this Art

piece and if it is at risk of being hit by an accident in the intersection. Hopefully it is required by the City to be kept out of the safety side triangles. Another potential use would be a mural, or something considered art on the wall alongside the parking garage. The report indicates that the public Art fee is going to cost \$1 million and the budget set for the component is \$700,000. He questioned what will happen to the other \$300,000.

Ms. Radigan advised the way the Public Art Program works; it is based on 1% of the construction costs of valuation. Of that 100% total, 30% is a fee that the City collects to run the program and the other remaining 70% is for the budget for the actual art.

Mr. Simon indicated he is not a huge fan of the number of units on the Site Plan and the layout. He mentioned the first floor of the Site Plan and noted it seemed like there was a pretty good movement in flow from the west to the east sides of the property, and when they got to the second floor Plan, everything was covered. It seems that there is some property open from the east to west along that traffic route and egress to the east and west, but it is just a tunnel. The sense of passing through a tunnel changes the flow and feel of the property and he did not know if there was a way around that. He recommended, if approved, applying a condition that parking spaces along Federal Highway be eliminated as it is completely unsafe; they would have to be included in the parking garage somehow. The parking garage is quite a hike to commercial properties on the west side on the northern portion of the site and the only route is around the block from the sidewalk. He noted they cannot go through private residences, so it is either walking along the Federal Highway side or the east side and around the property. If there is a way to provide shifts in parking on the west side into some spaces on the north side potentially into the property itself, maybe that would help provide ease of access to those commercial spaces. He mentioned decking on the pool deck and thought they might have to change some of that to non-skid surfaces within four to five feet of the pool and commercial spaces. The pool location is tricky and there may be some people who want to congregate at the pool, which is difficult in a high rise. He questioned if there are pockets along the wall and noted it would take at least a decade to fill the wall with vegetation. Maintenance crew practices want to get in and out, they do not want to maintain plants and do not know how to maintain and treat it. He asked if there is access to a high lift to drive on the Pickleball court. He does not think it will be successful unless they use low light plants on a green wall system with integrated irrigation that is properly maintained. He did not see any requests for Workforce or Affordable housing units. He mentioned public comments about the equipment on the rooftop and noted it will get screened. He commented on the discussion on the hotel and thinks this originally came to the Board. He asked if this was a recommendation by the City or a suggestion by a developer.

Ms. Radigan advised although there was a hotel called out, it is important to remember that it was part of the Master Plan and not the approved Site Plan. In the first proposal, the group currently engaged was developing on half of the lot and was going to add a hotel at a later time. It did not come as a recommendation of staff, but at some point, it was heard that it is not currently feasible in that location. While this project is proposing more density, they are using the whole site and providing open space versus the other site was maximizing by moving all the density to one half and allowing space for a hotel in the second half.

Mr. Simon questioned what makes the hotel not feasible on the site.

Ms. Radigan commented that they heard from the applicant that it is infeasible to do that. She indicated that the current property has been trying for some time to secure a hotel on the site and they reached out to multiple different franchisees and there is very little interest. She did not know the specifics as to why they are not interested.

Mr. Simon did not know if he agreed with that and would see that a hotel might not be an attraction to the Downtown partially because there is not a sense of a Downtown in this area.

Mr. McQuire mentioned the Town Square project and stated they did a lot swap with the City, which was on the northwest facing parcel originally designated for the hotel. The new developer from New York made the swap and pushed it basically where the parking lot is.

Ms. Radigan stated that the way the current Master Plan is, it has a 140-unit hotel for use of equivalent density. There could be a hotel, but the City is not interested in pursuing that, but it does have enough flexibility if there is an interest in doing something of similar density.

Mr. McQuire commented that he has heard from the community that parking was the problem with the hotel. He heard that some developers were asked to spend a lot of money and the parking garage did not make it equitable. The ideal scenario is not for a train station, but maybe there is a deal that the City can provide a parking garage or something. Perhaps the CRA could purchase some land to develop a parking garage for Downtown.

Mr. Simon mentioned comments about traffic flow and addressing all the projects coming in that provide a lot of rental units. These are items that they bring up as a Board and the only way to get movement is to look at all the projects as a whole and what the entire plan is for this street, and they need to contact their Commissioners, speak up at Commission meetings, and request that they reduce the density and reconsider zoning and that they revisit the vision of the Downtown area.

Mr. Harper stated that traffic was the first thing that came to his mind, currently, Ocean Avenue is one way in and one way out. He mentioned Downtown and the question is how much is too much and too fast. He shared concerns regarding mechanical elements on the roof and the green wall. He agreed and does not feel it is feasible to maintain an 8,000-square-foot or more wall. He did not have a problem with studio units and thinks single people need places to live. He agreed that Federal Highway on-street parking is a death wish. He liked walkability and the setbacks on the parcel, it is not like a large box like others adjacent to the site, and it helps with some of the design features as well. He mentioned the TOD and thinks they are anti-train stations and TOD; it is not feasible in South Florida.

Vice Chair Buoni appreciates the work that has been done and the way they reduced the height and setback. He totally agreed that it would be absurd to have parking on Federal Highway, especially coming off Boynton Beach Boulevard or Ocean Drive. He cannot imagine an 8 to 10-foot-high green wall and thinks that is unworkable. He appreciates the commercial space and the 550-square-foot studios do not bother him. The one thing that bothers him is that he keeps hearing they want Boynton Beach to be a destination and he asked how they can be a destination if there is no place to stay for people coming through and he

thinks that very strongly needs to be considered. He mentioned the distance between commercial and parking and some places have little cut-throughs in the building themselves for commercial and residential and there is an ability to get through there, which also needs to be considered.

Chair Rosecrans questioned who maintains the green wall and if it is the responsibility of the management company.

Ms. Radigan advised it would be the responsibility of the operator, if it is an apartment, it would be the management company.

Ms. Belinky stated when thinking of a green wall, it is much more than what is being proposed. They are proposing vines growing on a concrete slab, which is not a green wall. As per feedback, some of the things they have suggested in the Condition of Approval, they can refine this based on the Board's recommendation is to add architectural elements in combination with the vine treatment. She noted that River Walk was approved with planters on each floor to build vertical landscape.

Chair Rosecrans asked how they access the planters.

Ms. Radigan replied from the inside of the garage, and they were all irrigated. They had to put a net behind the plants, so it is another option not as cumbersome as an active live green wall.

Vice Chair Buoni commented that they have yet to see how that works out.

Mr. Simon stated all options that function are very expensive. If it is these pockets at each floor, that is a lot of cost. They could be adding anywhere between \$25,000,000 to \$1,500,000 to the landscape budget.

Ms. Radigan suggested they continue working with staff to figure out a feasible option.

Mr. McQuire advised he is for the green wall. If some landscape genius has a way to make it work, he would support it.

Chair Rosecrans thinks everyone would support it, but it is the maintenance, getting it to grow, and to stay green.

Ms. Radigan indicated that other items discussed were preserved plants.

Chair Rosecrans commented that when they get a windstorm the plants are gone.

Mr. Simon stated typically the landscape projects have to be maintained for a period of three years. He questioned the timeline.

Ms. Radigan replied they have to meet the landscape Code and they can cite against their approved plants at any time.

Mr. Simon stated they can easily say no. He questioned the City's position.

Ms. Radigan believed the City could say no against the approved plant and they would have to go through the citation process and if not corrected, they would go into liens and the whole process.

Chair Rosecrans indicated that the renderings are beautiful, they are top notch. Traffic is miserable. He questioned if traffic ever got denied.

Ms. Radigan stated within the exemption area residential traffic is exempt; however, within the TCEA they do an annual report to the County that accounts for trips and there is a threshold, they are not at that threshold yet.

Chair Rosecrans asked how far away they are from the threshold.

Ms. Radigan replied far away. Every year they do a report on what is approved, and she would be happy to share that addendum in tandem with the TOD discussion.

Chair Rosecrans believed they are due for something like that.

Ms. Radigan stated there are many trips invested within this area and this area is much bigger than just the four blocks where density is located.

Mr. Ramiccio commented that if the wall is not completed if they would get a CO if it was left blank.

Ms. Radigan stated that is correct, they could not finish the project with the wall. If they refused to build the wall they would have to come up with some type of modification.

Chair Rosecrans mentioned the build-to-line and stated that he did not understand why they went for that. This opens everything up and makes it so much more appealing. He noted that there is on-street parking on Federal Highway, but it is not near the Ocean Avenue and Boynton Beach Boulevard thoroughfare.

Ms. Radigan advised there is on-street parking on Federal Highway. On-street parking is required, and they would eliminate it once it goes into design with FDOT if it becomes unsafe, then it will be removed, and if it is required, it will be able to be placed on site.

Chair Rosecrans stated because there is pipeline, they probably will say it is not unsafe.

Ms. Radigan indicated that would be up to the Traffic Engineers at FDOT. She mentioned unit sizes and stated the Code does not regulate them. This is market driven. There are a couple units that are 550 square feet and out of 371 units, they are talking about only 14 units. Those units go from 550 square feet up to about 650 square feet, but most of the units are between the one bedroom and two bedrooms and those are averaging about 800 square feet.

Motion by Vice Chair Buoni, seconded by Mr. Simon, to approve 7A. In a roll call vote, the **motion** passed unanimously. (7-0)

Mr. Simon commented that if they sought approval, they would apply a condition that on-street parking on Federal Highway be eliminated and incorporated into the site. He questioned if the City is requiring on-street parking on Federal Highway.

Ms. Radigan replied they were, on-street parking is required on roadways. They are approved in the Site Plan, but once they go into design with the County and State, they may be eliminated, but they need to hear from those engineers in order to remove that requirement.

Mr. Ramiccio asked if they could recommend it to the City.

Ms. Radigan stated that unfortunately, if it is going against Code, she did not believe so. They can ask the City Attorney.

Mr. Ramiccio commented that they know parking is not feasible.

Chair Rosecrans asked how many spots there are on Federal Highway.

Ms. Radigan replied 14 spaces, so they could probably eliminate the parking and make changes to their garage.

Chair Rosecrans questioned if they have wiggle room in the parking garage.

Ms. Radigan replied they do.

Assistant City Attorney Swartz advised they would have to come back.

Ms. Radigan stated if it is truly unsafe, the Engineers will let them know and they will not be constructed.

Mr. Simon questioned why the City Code requires a condition that is unsafe.

Ms. Radigan stated they want on-street parking on rights-of-way especially in the Downtown area because there are fewer parking spaces and commercial spaces are largely unviable without immediate parking. If it is unsafe, they will not construct it, the idea is to never create unsafe conditions.

Mr. Simon mentioned Dixie Highway and on-street parking, but not adjacent to an intersection.

Ms. Radigan indicated Engineering does have setbacks from the intersections and she believed it was 50 to 75 feet.

Mr. Ramiccio questioned if they could recommend the setback issue.

Ms. Radigan advised they have a build-to-line as a blanket requirement, but the Code is designed for flexibility and that is why they have these community design appeals. The idea is if they are not doing that, they want to make sure they are providing something unique, special, and different, and they feel it is up to the Commission to make some of those determinations.

Chair Rosecrans questioned what would happen if they did not have a developer who has the diligence to break this up.

Ms. Radigan stated staff will recommend those types of design appeals.

Mr. Ramiccio asked if there is way when recommending to the City Commission what the Board has done.

Chair Rosecrans suggested saving that for other comments.

Motion by Mr. McQuire, seconded by Mr. Simon, to approve Item 7B as written. In a roll call vote, the **motion** passed with Vice Chair Buoni in opposition. (6-1)

- 7.C. Approve modifications to existing uses (CDRV 23-004) amending the LAND DEVELOPMENT REGULATIONS, Chapter 1, Article II, Definitions, Chapter 3, Article IV, Section 3.D. Use Matrix and Notes, and Chapter 4, Article V. Minimum Off-Street Parking Requirements to modify definitions, use regulations, and parking requirements for car wash uses and to establish indoor athletic instruction/training uses as an accessory use within the REC zoning district.

Motion by Vice Chair Buoni, to approve Item 7C. This motion was withdrawn.

Andrew Meyer, Senior Planner, presented Code Amendments for the car wash and the indoor athletic instruction/training facilities uses. The Code Amendment includes changes to car wash uses including modifications to definitions, use standards, and parking requirements for detail areas. It also includes the expansion of indoor athletic instruction/training facilities to the RAC zoning district as an accessory use. Uses were clarified to reduce ambiguous language to auto/car wash, waxing, detailing, and the other car wash self-serve bay. The auto car wash was updated to include use of types of including full service. This was done to reflect changes in terms of the car wash industry and to help clarify the unclear language clearly present in the Code, which distinguishes the two subtypes.

- Use standards for polishing, waxing, and detailing and self-serve bay car washes were updated to require all business activities to occur under a full or semi-enclosed building or underneath an insulated roof structure.
- Space for a customer to polish or vacuum their own vehicle for the full-service subtype of car wash will not be required to be under a roof.
- Currently existing use standards were clarified to make less ambiguous. The City experienced a lot of confusion from the public regarding these use standards.
- The number of required parking spaces for washing and waxing areas was reduced from one space per 75 square feet of detailing area to one space per 200 square feet of detailing area, which would require about six additional parking spaces for the five detailing areas. This roughly translates to about 1.2 employees per detailing space.
- As part of the Code Amendment, the car wash uses are not being expanded to any new zoning districts nor are they being removed from any existing zoning districts where they are currently allowed.
- All car wash uses will remain as conditional uses and continue to be subject to the conditional use process, which requires Hearings at Planning Development and City Commission.
- The other half of this Amendment is the indoor athletic instruction/training facilities. This is being added as an accessory use to the recreation zoning district. The use will be subject to Footnote 21, which only allows this use to be established on City owned and operated park facilities. Properties that are zoned REC that are not City owned and operated park facilities will not be eligible to establish this use.

Mr. Ramiccio mentioned restrictions on private use or part of the City and asked what the thinking was on that and why they would not allow the private sector to create an indoor training facility within the proper zoning district with the proper amendments.

Ms. Radigan advised that the expansion in this case is specific to recreational property, which is City owned property. The idea is that if they are opening private businesses, it needs to be in conjunction with the City. The City can do a lien or have a private operator at the function, but it is expanding the use into City owned properties.

Mr. Ramiccio questioned if there is a proposal from a private entity that wants to operate on City property.

Ms. Radigan replied there is.

Chair Rosecrans asked about Little League and if they are going to build an indoor practice facility on the vacant land, because they get rained out a lot.

Ms. Radigan stated this is groundwork for public private partnerships.

Chair Rosecrans thinks it is a good thing. It will bring a little more private investment into Parks and Recreation. He noted all the parents volunteer to cut the grass and run the concession.

Mr. Ramiccio expressed concern about the Little League and the use of the fields and how they operate. The Little League must have multiple fields that work as part of the programming in order to operate.

Assistant City Attorney Swartz stated they are working with the Little League, so it does not hamper any of the existing use.

Mr. Ramiccio indicated he has spoken with the Little League organizers, and they do not feel like they have been part of that process. They are concerned and reached out and expressed their concern to him. Before his vote to allow a private entity to come into a very limited space they have for Little League, he wants to hear from them that they are happy with it.

Ms. Radigan clarified this is not about the Little League Park, this is a Land Use Amendment allowing this use. It is not specific to this Little League. She noted this is not the item in front of them today, the item is the LDR Amendment allowing this use on this zoning district, it is not specifically about Little League.

Chair Rosecrans stated they can talk about the slippery slopes and where this might lead. It is a public park allowing private commercial.

Mr. Simon stated they have City land that they are allowing private developers to use. He asked if Ms. Radigan could provide some other examples of parks within the City with situations of a private entity and what facilities they are trying to bring.

Ms. Radigan advised she would not compare uses because this is not about a lease agreement, this is about the use being allowed in Recreational areas and the types of uses they would allow. They allow things like concession and outdoor training.

Mr. Simon questioned other situations other than the Little League.

Ms. Radigan indicated that any indoor training facility would have to enter into some agreement with the City.

Mr. Simon clarified that he was talking about if they are changing the verbiage of the Code to allow for a certain type of entity.

Ms. Radigan pulled up Mixed-Use definitions and this use is already existing in the Code. She read the definition of the use and stated it is any athletic training facility. Any of those training facilities can be an accessory to a recreational zoned property, which means it would have to be a principal use.

Mr. Simon stated that this is indoor and questioned whether that means that the other entity is constructing anything in the park.

Ms. Radigan replied yes. The assumption is they could have a facility, or this would allow them to construct an indoor structure to house this use.

Mr. Simon questioned why this is coming about and if there is a large interest from public businesses.

Ms. Radigan believes the Parks and Recreation Department is being propositioned for some of these types of uses and Little League was a good example. Parks and Recreation decided it would be a benefit to the park and would help program the park and that this is a use, if controlled by the City on City property, and an accessory to the park. This is not a principal use; it would be an enhancement to the Recreation provided.

Mr. Ramiccio asked if it would be allowed by right or by special Land Use.

Ms. Radigan advised it would be by accessory and because there is a requirement for it to be on City property, it would need to go through City approval for some sort of Land Use.

Chair Rosecrans questioned who is driving the lease agreement.

Ms. Radigan indicated they would go to the Commission or to the Parks and Recreation Department. In terms of Little League specifically, she believed the lease was already approved. What has not been approved are the Site Plans approving the lease.

Chair Rosecrans asked if it would come before this Board or before Parks and Recreation. He asked what if this is done and they cut out the Little League and it is only there for private training.

Ms. Radigan stated it depends on what they are going in for square footage.

Mr. Ramiccio stated that is happening now. From what he is hearing is that kids who are there doing pick up ball and wanting to practice and they are told they cannot be there.

Chair Rosecrans commented they might have to get permission from the City to play.

Ms. Radigan suggested they contact Kacy Young, of the Parks and Recreation.

Assistant City Attorney Swartz advised it is his understanding with Kacy Young, that the Little Leagues have been contacted and they put the specific language they wanted in the agreements.

Chair Rosecrans thought the Little League reached out to them.

Mr. McQuire thinks there could be more to this. It sounds good, but he asked about the terms of the lease and if they are holding the hostage for times and hours. He would recommend they have someone from Parks and Recreation discuss this with the Board before making a motion.

Ms. Radigan advised that the lease agreements do not come in front of this Board, and it is not part of this item and it is completely divorced from the Land Development Regulations.

Mr. McQuire stated his point is that the public is soliciting the Parks and Recreation Department and asked if this is oriented around a couple of entities.

Mr. Ramicco stated this was done holistically as part of an accessory use to their recreation, then he thinks it is a good conversation to have. This is constructive like every other item that comes for a recommendation that is being proposed to the City.

Chair Rosecrans opened the discussion for Public Comments.

Barbara Ready, resident, stated she is a lifetime member at the Little League field, and she is familiar with the proposed Site Plan that changed the Little League field, and it is severe. They currently have four fields, but their plan is to destroy one of the fields and create two smaller ones, which is not adequate. She asked why the Board would consider these two completely different things, maybe this should be considered separately.

Ms. Radigan commented that she would like clarification on the two things.

Ms. Ready believes there should be further discussion on what is going to be done and what this property is going to be used for.

Ms. Radigan clarified that the Site Plan is not approved, and the Site Plan will still need to be approved through the normal process including the Parks and Recreation Board, depending on how much they are building the size, which could trigger a major development review, which means it would come before this Board. There is still a process for that approval to happen. As far as she knows, what has been approved is a lease agreement and a further amendment to the lease agreement, a Site Plan has not been approved with any amendment to the park.

Mr. Simon mentioned the verbiage in the Code and asked if this lease agreement can happen.

Ms. Radigan replied possibly, she would have to look into it. She was not present for the conversation, but the City, as a whole, has a lot of exemptions in the Code. It was brought to them by the Parks and Recreation Department, and this is a viable plan for them to expand recreational uses.

Mr. Simon stated if the City said they were trying to come up with some different types of programs to activate the parks and then they said lets change the verbiage that says they can do this and they already have people in place to see relationships with some of the businesses or have a list together of what types of businesses they want to include and they are going to seek that.

Ms. Radigan indicated she is not the author of the lease agreement.

Mr. Simon stated it is status quo for every application that comes before the Board, but if they have to change this and that, it would be nice to have the Codes in place and have the developer follow the Code.

Ms. Radigan advised the City does not allow lease variances, but she wanted to get back to the actual Amendment. Some of the things that are already allowed in REC as an accessory are things like artist studios, indoor entertainment, outdoor entertainment, etc.

Ms. Ready asked if the car wash amendment applies to the current car wash on Boynton Beach Boulevard.

Mr. Simon stated staff said it does not affect anything already existing.

Ms. Ready commented that there is a lot to be discussed as far as the Little League Park. The gentleman came forward with a proposal for 7,500 square feet and suddenly it is 28,000 square feet. Chair Rosecrans thinks that is going to be for the Parks and Recreation Board and not for this Board. If the Site Plan comes to this Board, they will have a say.

Mr. McQuire questioned what car washes they are talking about.

Ms. Radigan stated they have had lots of inquiries regarding car washes and the Code currently does not give clear direction because it is outdated. It was written where there were self-service stations and full-service stations, and not this new quasi they are seeing now that has the tunnel; the Code does not accommodate that, so this allows for that to be accommodated and not penalized through parking.

Mr. McQuire suggested that they vote on two separate things.

Mr. Simon asked if the City has a maximum allowed size for car washes.

Ms. Radigan advised there are not any maximum size requirements.

Mr. Simon mentioned a facility under construction in Clewiston and the car wash itself is potentially six acres on Southern Boulevard.

Ms. Radigan commented that one difference is that their car wash use excludes commercial vehicles. She stated they have never had a size maximum, and this does not change that.

Motion by Mr. McQuire, to separate Item 7C, with the car wash changes to be separate from the Land Use Regulations. There was no second to the motion.

Chair Rosecrans asked Assistant City Attorney Swartz if a vote was necessary to separate them.

Assistant City Attorney Swartz replied yes.

Ms. Radigan commented that there are some clean ups and if they would not mind having the car wash tied with the clean ups they could separate the indoor athletic instruction.

Motion by Mr. McQuire, seconded by Mr. Ramicco, to separate Item 7C to car wash clean ups as one separate Amendment and the indoor athletic instruction as the second Amendment. In a voice vote, the **motion** passed unanimously. (7-0)

Motion by Mr. McQuire, seconded by Mr. Simon, to vote for the car wash use with the clean-up. In a voice vote, the **motion** passed with Mr. Simon in opposition. (6-1)

Motion by Mr. Simon, seconded by Mr. McQuire, to approve Item 7C with the athletic instruction uses as an accessory use within the REC zoning district. In a voice vote, the **motion** passed unanimously. (7-0)

Mr. McQuire stated that within the City he has seen public private partnerships fail. If what he is hearing from members of the community that Little Leagues are going to have a restrained restricted usage to public baseball diamonds, that is concerning. He agrees that is a concern, but his initial instinct is that he would like to hear from Parks and Recreation as to why this should be done, so he would vote no.

Chair Rosecrans thinks this purview is way up high and he shared concerns because he does not want kids to get pushed out for the sake of making money.

Mr. Simon commented that maybe it is the way it is worded or presented. He believes it makes a lot of sense in a lot of situations where there are to be other uses. He would vote yes to allow those types of things, but he would not want to vote yes to have something that is already in motion that may or may not have a negative impact.

Chair Rosecrans mentioned there is some hesitation because they do not entirely have the background.

Vice Chair Buoni asked if he understands if they say yes to this, that it puts the ball in staff's court and they are the ones who are going to oversee this.

Ms. Radigan indicated that what would happen in practice to narrow the scope of what is being requested is the expansion of this use to be permitted on recreational as accessory as other uses are. That is the total scope of what is in front of the Board. Scopes that have to do on the implementation of this will take a variety of different routes, so if it happens to be a lease agreement, it would have to be approved through the Parks and Recreation Department, the City Attorney's office, and the City Manager's Office, and through the public. The City cannot enter into a lease agreement without that process being publicly done as the first step. If this opens, it will give the ability for Parks and Recreation to solicit these types of accessories they would like to see on these lots and work through some of the deals through some process. This is leasing since it is on City property, and it will be an accessory to City uses. The other portion is

the building, the building and development of these Site Plans would still maintain currently in Code going through what they would be required to do. It could be administratively approved if it is under a certain square footage, and it could be a major approval coming through this Board and the City Commission. None of those rules are being recommended to change currently and there is no impact as to how Site Plans are processed, which is the other piece that this Board has purview over.

Mr. Simon questioned if there have been any instances where a private venture has been brought in front of the public that the public did not want and the City moved forward anyway.

Ms. Radigan replied that she did not know the answer to that question.

Mr. Simon mentioned kayak use and if they wanted to get a little space because sometimes it rains and he wants to use some of the facilities inside, the way the Code is written, he cannot do that.

Ms. Radigan replied that she did not think that would qualify as indoor training. They could probably add an accessory to a gazebo or some sort of space for cover, but this use is geared toward indoor training.

Mr. McQuire thought it would have been useful this this was allocated for the baseball diamonds, then it would be clear in everyone's mind and easier. His hesitation is the building, he would be comfortable if this was specifically earmarked for what is there.

Chair Rosecrans indicated the Board is here to open the door, they are not there to negotiate any of that.

Ms. Radigan stated the batting cages are classified as indoor training facility.

Mr. Ramiccio mentioned they would not allow a private entity to access indoor training facility, it would only be specifically for City-owned recreational facilities.

Ms. Radigan stated that indoor training is not permitted in recreational zones, which is what this would correct. It is only envisioned as commercial use, not as part of the recreational uses that they already allow as accessory to recreation.

Mr. Ramiccio commented that recreation is changing. The City Commission already approved the lease, and they are so far down the road and now it is coming before the Board.

Mr. Harper thinks the basis of this Board is to question and see where things are going. He feels it is probably in the City's best interest that when changes of any nature are done in accordance with another department, that those people are here to answer questions.

Ms. Radigan agreed. She stated that this is her purview, and the Code changes is what is in front of them.

Mr. Harper stated his point was that their basis is to question why these things are being changed.

Chair Rosecrans advised they like to make informed decisions.

Mr. Harper commented that he is all for public private partnerships, but the Board needs information and it is difficult to make sound decisions without that information.

Ms. Radigan questioned what kind of information is needed, so she can bring those to Parks and Recreation, or so she can get the answers.

Mr. Ramiccio thinks there are issues between the two uses, but the Little League is his concern regarding how the operation will go forward.

Ms. Radigan reiterated that is not relevant to this podium. She needs to know, based on the Code Amendment in front of them, what information is needed from the Parks and Recreation that has not been provided.

Chair Rosecrans questioned if the facility will be open to the public or if it is something that is going to be commercial that everyone has to pay to be a part of.

Ms. Radigan replied that would be under lease terms, not under Land Use. The Land Use would allow it to happen on City-owned property.

Chair Rosecrans commented that they are destroying a field to create their own private entity or their own private commercial business.

Ms. Radigan indicated it is not to be in conjunction with a public partnership. The City does not lose anything through this Amendment, it gains the ability to make partnerships. The City always has the first set of rights since it is their property. They are not given anything to anyone through this action alone, they are just allowing this conversation to happen and then negotiations happen outside of the Land Use.

Mr. Simon mentioned private contracts and agreements the City has entered into that have not been successful and caused years of expense to the City. The City is not always operating in the best interest in the City.

Ms. Radigan stated that she wants to stay focused on this material and that does not happen in the Land Use Code. Private deals that happen on the City side are not something they can regulate within the LDR.

Mr. Simon commented that the Code does not allow for an indoor training facility.

Ms. Radigan replied it allows for comparable uses to happen on City-owned property, which is a standard comment in the zoning Code currently attached to List of Uses.

Chair Rosecrans thought they were taking the worst-case scenario and stated maybe it will turn out that this is something good for the kids. They have to open the door and then it is up to the City.

Mr. McQuire reiterated that this should have been earmarked.

Chair Rosecrans commented that it is not like the project is not being vetted, they are going to be vetted by Parks and Recreation.

Mr. Cwyner asked if this portion be tabled and if they can request Kacy Young, Director of Parks and Recreation to attend the next meeting as well as the lessor.

Assistant City Attorney Swartz advised for this type of Amendment they could not have the lessor. If a Site Plan came at a later date, then the lessor could attend.

Ms. Radigan stated if there is information required from Parks and Recreation, she needs to what know what it is. The Board is fully within their rights to approve, deny, or table this item.

Mr. Simon questioned if this item is tabled if the City Commission will vote on it at the next meeting.

Ms. Radigan replied that she would have to go back to check the Code.

Assistant City Attorney Swartz advised after a certain amount of time, the item would go, they cannot keep tabling the item.

Vice Chair Buoni stated there is a motion on the floor and a second, and now a second motion is required to table and then they have to vote on that first.

Mr. McQuire made an amendment to the motion to table this with the request that they would like Parks and Recreation present to answer questions.

Mr. Ramicco commented that they are muddying the waters and thinks it has to be cleaned up. When a motion is tabled, usually a motion has to be removed to bring an item up again. A proper motion for something to come back to the next meeting will be a motion to postpone for more information to come back to them. Then it would allow flexibility for the Commission to move forward.

Mr. Simon, as the motion maker, asked if he can amend the motion to require that it be tabled to the April meeting.

Mr. Ramiccio stated Mr. Simon could withdraw the motion.

Mr. Simon requested the motion be withdrawn.

Mr. McQuire thought if they postponed it would give them better authority to have someone else speak on this matter and educate the Board. He believed they should table this item to the next meeting.

Ms. Radigan stated that could be done.

Motion by Mr. Simon, seconded by Mr. McQuire, to table Item C until the next meeting. In a roll call vote, the motion

8. Other

Vice Chair Buoni is not sure whether the entire Board is aware of the Affordable Housing Package that is going before the Florida House, which preempts local government rules on zoning, density, and building heights in certain circumstances. He is sure this has been discussed by staff. He does not see this coming before the Board as any action item that they have anything to do with. If he has a question from his Vice Chair seat or any of the Board members wants to question a member of staff, relative to Sunshine rules, that they can do so.

Assistant City Attorney Swartz stated that is correct.

Ms. Radigan indicated this is on her desk for more thorough review. They have been monitoring this. Vice Chair Buoni is correct, if they are preempted and this is signed, it will not come before the Board and it will be State Statute and it will be law. There are certain areas and there are some preemptions already built into State law that they have not had presented to them. Currently, this is a further preemption on Affordable Housing that would remove a lot of the zoning limitations on uses that are specific to Affordable Housing.

Mr. Ramiccio commented that this is a clear violation of Home Rule, and he asked if they have their lobbyist working on their behalf. He noted they also want to make local elections partisan.

Vice Chair Buoni mentioned that they are trying to get ahead of things and if this passes, they are behind. It is a matter of participating in State politics, which would be the only way to message.

Mr. Simon questioned if this passes, if the States determines where projects occur or is this something the developer does. He asked if that applies in a situation where the State can say they want certain locations to be an Affordable Housing project.

Ms. Radigan replied she did not believe that is what it does. She thinks the way it is drafted is if this does pass, they can submit a memo to the Board as a brief and they would ask their City Attorney's office to prepare memos on new legislations, and they can provide that to the Board. Her understanding of the way this is currently drafted is that it would allow commercial and residential Land Uses to have Affordable Housing built on it at the will of any developer or owner of property and not be held to the density restrictions and height restrictions within the Land Development Regulations. This essentially creates an exemption for this use to all City regulations.

Mr. Ramiccio commented that many other entities are challenging this, it violates 67 counties.

Mr. Simon mentioned that this touches on discussion about why all these projects coming before the Board are apartments. It is creating a transient community. The thought would be that the City would try to encourage "For sale units" rather than rental units. He asked if the City can implement an incentive that would outweigh the incentive to build apartments and build "For sale units" within the zoning district.

Ms. Radigan did not have a straightforward answer. She stated that condo or apartments is a financial and ownership structure. Land Development Regulations do not regulate ownership or financial construction.

Mr. Simon stated it is a State program that will centralize developing apartments.

Ms. Radigan indicated they cannot regulate, meaning they cannot say they can or cannot do certain things. They can incentivize certain types of uses in general and they can do ownership versus rental; however, there are lots of market trends and financial thinking trends and she is not sure they will be able to come up with incentives that outweigh those financial structures, and she thinks the biggest incentive in this case they are discussing is monetary. It would have to be something the City would be able to fund as an incentive. The only other thing she could think of would be density because that translates to dollars for a developer. There may be something in there, but they do not regulate the difference between “For sale units” and apartment units.

Mr. Simon commented that something the City can do is an incentive to developers that does not cost any money would be to waive some of the building requirements.

Ms. Radigan indicated Land Development Regulations do not differentiate between these types of events, they are all the same. Planning is a difficult place to have this conversation. She thinks an easier place to have this conversation is through Economic Development or the CRA. From a planning standpoint, there is no use difference between the two, a dwelling unit is a dwelling unit as defined in the Code.

Vice Chair Buoni requested Ms. Radigan keep the Board informed.

Ms. Radigan stated there are three bills they are watching, Affordable Housing is one, Mobility and Impact Fees is another, and then the third is the Comp Plan. Once they get memos from the Attorney’s Office, she will distribute them.

Mr. McQuire mentioned TOD and asked if they could have a Joint Workshop with the Commission. They have to get on the same page, and he was hoping to push the redoing of the CRA Plan to reduce some of the density bonuses.

Ms. Radigan advised they would have to be directed to do a Workshop with the Commission, and they have to give them direction to do so. She is hearing a lot of passion around different subjects and stated this is great conversation for the annual report.

Mr. Ramiccio asked if Ms. Radigan knows of a station that is going to be built.

Ms. Radigan stated there was a plan. She would rather do this in a more organized fashion. There could be a presentation at some point with the Board as a whole.

Mr. Ramiccio asked if anyone was interested in hearing about TOD and how the station is coming and when.

Chair Rosecrans stated it depends on the agenda.

Ms. Radigan stated it definitely will be for the next meeting. In her opinion, they are getting some direction from the Commission, and she feels something should be done in a Joint Venture,. She said that she thinks Mr. Ramiccio is right and it is a discussion they have to have between the Board and the Commission on

how to move the visions. The CRA Board is already starting the process of revamping their CRA Plan, so these conversations are happening at multiple levels.

Mr. Ramiccio mentioned when the Board votes to make a recommendation to the Commission as an Advisory Board, why he does not see any of the backup material about the vote and the discussion the Board has so the Commission can get a synopsis of what the Board has been dealing with to make a good decision for the City.

Ms. Radigan stated a synopsis is in every cover page that goes to the City Commission, and it says what action was taken. If the City Commission chooses for more information, they are happy to provide that.

Chair Rosecrans commented he has been on this Board for eight years and they put in hours and vote no and the City Commission gets two minutes of discussion and they vote yes.

9. Comments by Members

Mr. McQuire mentioned the Town Center project, which consisted of 900+ units, very close to the buildable area, with no easements or setbacks. After their meeting where the project was voted down, they attended the City Commission meeting and spoke at great length about this project. They added commercial space, and the square footage went from 14,000 to 23,000 and no one spoke on this Board's behalf as to what was done previously. He was frustrated and called staff and they were informative and helped him set up a meeting with the developer and other members of the community, but there was a relatively small turn out. Then there was another Commission meeting where it was First Reading where they reiterated that they added additional square feet and 930 units or so, which exceeded their initial commercial package delivery. During the Second Reading, hundreds of people were there to see the pocket park the City owns. He thinks a lot more work could have been done on what that building could have delivered to the community. He did not call the Commissioners on this issue, he spoke with them independently and some expressed moderate concern, but when it came to the vote, it was in favor unanimously. He just wanted an outline of a chain of events. The City is now in the business of parking garages, and he saw the developer smile when the City was in agreement to manage and fund a portion of the large parking garage. He saw a lot of interesting add-ons during that meeting. He thinks they should contact the Commissioners after their meetings.

Chair Rosecrans felt like they should follow up on the Commission meetings as a team.

Mr. McQuire commented that before City Commission meetings they are voting on things when they do not know what was said. He thinks they should request a synopsis of the meetings.

Vice Chair Buoni questioned if the City Commission could have the minutes the Board has prior to the meeting, so they can read through them.

Ms. Radigan advised that as a resident, everyone is always welcome to attend the City Commission meetings to follow up on these items.

Mr. Simon stated the only option is a Public Comment as a Board.

Chair Rosecrans mentioned the times he attended Commission meetings and told them about the vote the Board made and got zero responses.

Mr. Simon commented that he was at a Commission meeting when a Commissioner was being directly spoken to and ignored the public, walked out of Chambers, and came back looking at his phone.

Mr. McQuire suggested Workshops or a Round Robin and after the meeting one of them would call every member of the Commission and if they do not answer, leave a voice mail.

Chair Rosecrans stated that perhaps the public could pressure them.

Mr. McQuire mentioned there is a Mixed-Use parcel that has not been announced somewhere around South Florida and the Planning and Development meeting for that City changed from cement to glass, the color from gray to blue, and it was a huge improvement, and it did not go before the Commission, it was delayed and by time it got to the Commission there were significant aesthetic changes that were of value to the community.

10. Adjournment

Upon **Motion** duly made and seconded, the meeting at was adjourned at 9:44 p.m.

[Minutes prepared by C. Guifarro, Prototype, Inc.]



CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

PLANNING AND DEVELOPMENT MEETING DATE: 4/25/2023

REQUESTED ACTION BY PLANNING AND DEVELOPMENT BOARD: Separated from CDRV 23-004 and tabled at the March 28, 2023 Planning & Development Board Meeting: Approve modifications to existing uses amending the LAND DEVELOPMENT REGULATIONS, Chapter 3, Article IV, Section 3.D. Use Matrix to establish indoor athletic instruction/training uses as an accessory use (CDRV 23-006) within the REC (Recreation) zoning district.

EXPLANATION OF REQUEST:

The proposed amendment will establish indoor athletic instruction/training uses as an accessory use within the REC (Recreation) zoning district. This modification gives the City the opportunity to provide indoor athletic instruction/training facilities on city-owned and operated park facilities.

This item was originally presented in the March 28, 2023 Planning & Development Board meeting as a part of CDRV 23-004 which also included modifications to Auto/Car Wash uses in addition to other miscellaneous amendments. At the meeting, the Indoor Athletic Instruction/Training portion of the amendment (CDRV 23-004) was separated from the remainder of the amendment by the Planning & Development Board and tabled to this Planning & Development Board meeting.

HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES? N/A

FISCAL IMPACT: N/A

ALTERNATIVES: N/A

STRATEGIC PLAN:

STRATEGIC PLAN APPLICATION: N/A

CLIMATE ACTION APPLICATION: N/A

Is this a grant?

Grant Amount:

ATTACHMENTS:

Type	Description
▣ Staff Report	Staff Report
▣ Amendment	Exhibit A - Proposed Amendments
▣ Attachment	Staff Presentation



**DEVELOPMENT DEPARTMENT
PLANNING AND ZONING DIVISION
MEMORANDUM NO. PZ 23-018**

STAFF REPORT

TO: Chair and Members
Planning and Development Board

THRU: Amanda Radigan, AICP, LEED AP
Planning and Zoning Director

FROM: Craig Pinder, Planner II

DATE: April 18, 2023

REQUEST: Approve modifications to existing uses amending the LAND DEVELOPMENT REGULATIONS, Chapter 3, Article IV, Section 3.D. Use Matrix (Table 3-28) to establish indoor athletic instruction/training uses as an accessory use (CDRV 23-006) within the REC (Recreation) zoning district.

OVERVIEW

The proposed amendment will establish indoor athletic instruction/training uses as an accessory use within the REC (Recreation) zoning district. This modification gives the City the opportunity to provide indoor athletic instruction/training facilities on city-owned and operated park facilities.

EXPLANATION & PROPOSED AMENDMENTS

Indoor Athletic Instruction/Training Facilities:

The City and Primetime Sports Group, LLC have entered into a land lease agreement to develop an indoor training facility on a portion of the Little League Park, which is zoned REC (Recreation). The Use Matrix of the Land Development Regulations does not allow indoor athletic instruction/training uses within the REC (Recreation) zoning district.

The proposed amendment permits the "Indoor Athletic Instruction/Training facility" use within the REC (Recreation) zoning district as an Accessory use, subject to footnote 21, which states that this use is allowed as an accessory use to any city-owned and operated park facility.

The proposed amendment is necessary to allow "Indoor Athletic Instruction/Training facility" uses as an accessory use to any city-owned and operated park facility within the REC (Recreation) zoning district. Restricting the use to an accessory use ensures that outdoor park facilities such as baseball fields, basketball courts, etc. remain the principal use. Additionally, the proposed amendment restricts the use to city-owned or operated park facilities, thereby further restricting where an indoor athletic instruction/training facility can be allowed within the REC (Recreation) zoning district.

CONCLUSION/RECOMMENDATION

Staff recommends approval of the subject amendment to the Land Development Regulations to support the modification of the use regulations to establish indoor athletic instruction/training uses as an accessory use within the REC (Recreation) zoning district.

Attachments

Part III Land Development Regulations
Chapter I. General Administration

Article II. Definitions

INDOOR ATHLETIC INSTRUCTION/TRAINING - An establishment primarily engaged in offering athletic instruction or training, including martial arts, gymnastics, cheerleading, batting/golfing, and dance studios, and other similar types of uses having the same characteristics and special needs as confirmed by staff.

Chapter 3. Zoning

Article IV. Use Regulations

Sec. 3. Use Regulations

D. Use Matrix (Table 3-28).

P = Permitted C = Conditional A = Accessory	R-1-AAB	R-1-AA	R-1-A	R-1	R-2	R-3	IPUD	PUD	MHP	C-1	C-2	C-3	C-4	CBD	PCD	SMU	MU-1	MU-2	MU-3	MU-4	MU-C	M-1	PID	PU	REC
...																									
ARTS, ENTERTAINMENT & RECREATIONAL																									
...																									
Indoor Athletic Instruction/ Training						P 18 19					P 1	P	P	P 1	P	P	P 14	P 14	P 14	P 1	P 1	P	P		A 21
...																									

21. General Note. This use is allowed as an accessory use to any city-owned and operated park facility.



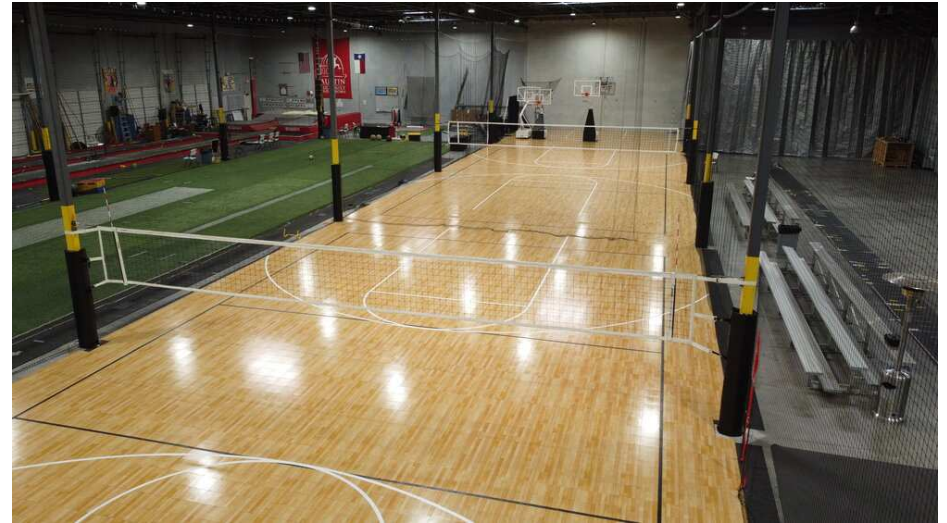
Indoor Athletic Instruction/Training Facilities

Code Amendment
CDRV 23-006

April 25, 2023

Summary of Changes

- Indoor Athletic Instruction/Training Facilities
 - Accessory use in REC



Indoor Athletic Instruction/Training Facilities

What's Changing:

- Adding the “Indoor Athletic Instruction/Training Facilities” as an accessory use to the REC (Recreation) zoning district.
 - Subject to footnote 21: only allowed on city-owned and operated park facilities.

Other Accessory Uses within REC Zoning District

- Art, Book, Craft, Hobby, Music, Sporting Goods, & Toys
- Brewpub
- Novelty, Gift, Souvenir, & Miscellaneous
- Restaurant
- Photography Studio
- Artist Studio
- Entertainment, Indoor
- Rentals, Recreational



Questions?



CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

PLANNING AND DEVELOPMENT MEETING DATE: 4/25/2023

REQUESTED ACTION BY PLANNING AND DEVELOPMENT BOARD:

Discussion regarding the Annual Advisory Board Report content and date.

EXPLANATION OF REQUEST:

Board members to discuss topics and information to include in the Annual Advisory Board Report to the City Commission, the date for the report presentation, and select a representative to coordinate the draft report.

Months available for Planning and Development Board to address the City Commission are January, February, March, June, October, November, or December.

HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?

FISCAL IMPACT:

ALTERNATIVES:

STRATEGIC PLAN:

STRATEGIC PLAN APPLICATION:

CLIMATE ACTION APPLICATION:

Is this a grant?

Grant Amount:
