

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

MEETING DATE: November 27, 2023

MEETING PLACE: City Commission Chambers

1. CALL TO ORDER

This meeting was called to order by William Bennett, Assistant City Attorney at 5:05 pm.

2. ROLL CALL

A quorum was present at call to order.

Members Present: Julen Blankenship Chair; Christina Morrison Vice Chair; Alison Thomas 2nd Vice Chair; Gregory Snyder; Morris Carstarphen and Aaron Savitch

Members Absent: Chris Brown

Staff Present: William Bennett, Assistant City Attorney; Rebekah Dasari, Principal Planner; Alexis Rosenberg, Senior Planner; Julian Gdaniec, Senior Planner and Diane Miller, Board Secretary.

3. APPROVAL OF AGENDA

Motion to APPROVE the November 27, 2023, agenda by Christina Morrison and seconded by Gregory Snyder.

MOTION CARRIED 6-0

4. Election of Officers

William Bennett announced that the next item of the Agenda will be the Election of the Officers and described the process of electing officers.

Motion made by Christina Morrison to nominate Julen Blankenship as Chair and seconded by Alison Thomas.

Motion Carried 6-0

Motion made by Julen Blankenship to nominate Christina Morrison as Vice Chair and seconded by Gregory Snyder.

Motion Carried 6-0

Motion made by Christina Morrison to nominate Alison Thomas as 2nd Vice Chair and seconded by Julen Blankenship.

Motion Carried 6-0

A. Selection of a Member of the Board to Serve on the Affordable Housing Advisory Committee (AHAC)

Motion made by Christina Morrison to nominate Morris Carstarphen and seconded by Alison Thomas.

Motion Carried 6-0

5. MINUTES

Motion to APPROVE the minutes of the September 26, 2023, meeting was made by Christina Morrison and seconded by Alison Thomas.

Motion Carried 6-0

6. SWEARING IN OF THE PUBLIC

Julen Blankenship, Chair, read the Quasi-Judicial Rules for the City of Delray Beach and Diane Miller, Board Secretary, swore in all who wished to give testimony.

7. COMMENTS FROM THE PUBLIC

None.

8. PRESENTATIONS

None.

9. QUASI-JUDICIAL HEARING ITEMS

A. Blackstar 318 SE 5th Ave (2023-200): A recommendation to the City Commission for the certification of the Final Plat, "Blackstar 318 SE 5th Ave", a replat of a Portion of Lots 1 through 6, Block 104, Osceola Park, as recorded in Plat Book 3, Page 2 of the Public Records of Palm Beach County, associated with the construction a four-story mixed use development, totaling 0.88 acres located at 302, 318, 338, and 346 SE 5th Avenue.

Agent: Urbana, LLC; Yexsy Schomberg, Principal Planner; yexsy@urbanafl.com

Planner: Jennifer Buce; buce@mydelraybeach.com

Jennifer Buce, Planner, entered File No. 2023-200 into the record.

Applicant Presentation

Yexsy Schomberg, Principal Planner; Urbana; 950 Peninsula Corporate Circle Suite 1017, Boca Raton, FL 33487

Staff Presentation

Jennifer Buce, Planner, presented the request from a Microsoft PowerPoint presentation.

Exparte Communication

Julen Blankenship- Familiar with the Site and heard the SPRAB presentation.

Christina Morrison- Familiar with the Site and heard the SPRAB presentation.

Gregory Snyder- Visited the site.

Alison Thomas- None.

Morris Carstarphen- None.

Aaron Savitch- None.

Public Comment

None.

Rebuttal/Cross

Yexsy Schomberg was in agreement with the City's condition of approval.

Board Comments

Gregory Snyder emphasized that the site plan has obtained approval from the Site Plan Review and Appearance Board previously. He highlighted that recent amendments to the City's Land Development Regulations enable concurrent consideration of this request during the site plan review process. Mr. Snyder expressed his full support for the proposal.

Christina Morrison sought clarification from the staff that the alleyway at the rear of the proposed development would undergo expansion through a dedicated right of way. Jennifer Buce indicated that the right of way dedication will allow the adjacent alley to meet the width requirements specified in the City's Land Development Regulations.

MOTION to recommend approval to the City Commission for the certification of the Final Plat, "Blackstar 318 SE 5th Ave", associated with the creation of a single, for the properties currently addressed as 302, 318, 338, and 346 SE 5th Avenue, finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations was made by Christina Morrison and seconded by Alison Thomas.

MOTION CARRIED 6-0

B. Ruff to Fluff Pet Salon, Conditional Use (2023-274): Provide a recommendation to the City Commission regarding a Conditional Use request to allow a +/- 850 square foot pet grooming service at the property located at 14420 South Military Trail. (PUBLIC HEARING)

Agent: Natalia Lenci and Ryan Seron, Ruff to Fluff Pet Salon, LLC;
rufftofluffpetsalon@gmail.com

Planner: Alexis Rosenberg, Senior Planner; Rosenberga@mydelraybeach.com

Alexis Rosenberg, Senior Planner, entered File No. 2023-274 into the record.

Applicant Presentation

Natalia Lenci, Company Founder of Ruff to Fluff Pet Salon

Ryan Seron, Chief Executive Officer of Founder of Ruff to Fluff Pet Salon

Staff Presentation

Alexis Rosenberg, Senior Planner, presented the project from a Microsoft PowerPoint presentation.

Exparte Communication

Julen Blankenship- Familiar with the site.

Christina Morrison- Familiar with the site.

Gregory Snyder- Visited the site and spoke to the adjacent property owners.

Alison Thomas- None.

Morris Carstarphen- None.

Aaron Savitch- Familiar with the site.

Public Comment

None.

Rebuttal/Cross

Ryan Seron indicated that the company looks forward to being a valued member of the Delray Beach community.

Board Comments

Gregory Snyder noted that neighboring business owners voiced no objections to the proposed business at that location. Mr. Snyder endorsed the project, highlighting its potential as a valuable addition to the area.

Christina Morrison inquired with staff about any distance limitations to other pet service businesses, to which staff confirmed there are none. Ms. Morrison further questioned the applicant about additional services other than grooming being offered in that location; the applicant indicated that non-anesthetic dental cleaning would also be provided.

Alison Thomas commended the thoroughness of the presentation.

Morris Carstarphen sought clarification on any distance limitations from other pet grooming salons, and staff clarified that there are no such restrictions.

Julen Blankenship asked the applicant about a designated outdoor area for walking animals, to which the applicant responded that there is no specifically designated space, but waste disposal will be handled responsibly.

MOTION to move to recommend approval to the City Commission of a Conditional Use request for Ruff to Fluff to allow a pet grooming service at the property located at 14420 South Military Trail, finding that the request is consistent with the Land Development Regulations and the Comprehensive Plan was made by Christina Morrison and was seconded by Alison Thomas.

MOTION CARRIED 6-0

C. Delray Swan (2022-063): Provide a recommendation to the City Commission for a Level 4 Site Plan, Landscape Plan, and Architectural Elevations for the construction of a +/-304,506 square foot, five-story mixed-use building known as Delray Swan, including a revitalization incentive density bonus of up to 70 dwelling units per acre at 118 SE 2nd Street; 240, 258, 264, and 280 SE 2nd Avenue; and 215, 219, 223, 227, 231, 237, 243, 251, and 253 SE 1st Avenue.

Applicant/Property Owner: Clifford Rosen, SM-CDR Assemblage Delray, LLC

Authorized Agent: Neil Schiller, Esq., Government Law Group, (954) 224-3666
nschiller@govlawgroup.com; Jeff Costello, AICP, JC Planning Solutions, (561)
573-1486, jcostello@jcplanningsolutions.com

Planner: Julian Gdaniec, Senior Planner; gdaniecj@mydelraybeach.com; Alexis Rosenberg, Senior Planner, rosenberga@mydelraybeach.com

Alexis Rosenberg, Senior Planner, entered File No. 2022-063 into the record.

Applicant Presentation

Neil Schiller, Esq., Government Law Group; 137 NW 1st Avenue, Delray Beach, FL 33444
Jeff Costello, JC Planning Solutions, 821 Delray Lakes Drive, Delray Beach, FL 33444

Staff Presentation

Alexis Rosenberg, Senior Planner and Julian Gdaniec, Senior Planner presented the project from a Microsoft PowerPoint presentation.

Exparte Communication

Julen Blankenship- Familiar with the site.

Christina Morrison- Spoke to Neil Schiller and is familiar with the location.

Gregory Snyder- Visited the site.

Alison Thomas- Acted as a Member of the Site Plan Review and Appearance Board during the presentation of a collateral application by the applicant.

Morris Carstarphen- None.

Aaron Savitch- None.

Public Comment

Alice Finst, 707 Place Tavant- Ms. Finst was concerned that the proposed development, due to its height, would invade the privacy of the neighboring residential structures.

Rebuttal/Cross

Neil Schiller highlighted that there will be internal storage of trash receptacles, and he underscored that the loading zone is designed to accommodate 26-foot-long moving box trucks, meeting all the City's code requirements.

Julian Gdaniec emphasized the importance of a comprehensive site evaluation, noting that sufficiency should be assessed across various scenarios to ensure satisfaction in all situations.

Board Comments

Morris Carstarphen sought information on whether staff were aware of similar-sized structures or developments with similar configuration of the loading dock. Staff indicated that they were not familiar with another structure or development with similar design. Mr. Carstarphen then questioned whether the applicant was complying with the conditions imposed by the City Commission on approved waivers. Staff clarified that the applicant is actively working on establishing the required sidewalk network around the development perimeter. Mr. Carstarphen further inquired about the monitoring of adherence to workforce housing requirements, with Mr. Bennett explaining that a covenant is recorded, and the Neighborhood Services Division staff ensure compliance. Mr. Carstarphen also expressed concern about the adequacy of the loading zone space.

Allison Thomas expressed no concern about the provided loading zone and trash area.

Christina Morrison appreciated the indoor placement of the trash area and asked about

the provision of a freight elevator. Staff clarified that only a pedestrian elevator was provided.

Gregory Snyder voiced support for the proposed landscape design and architectural style. He noted that, due to the limited loading zone area, careful management of its use would be essential. Mr. Snyder overall expressed support for the project.

Julen Blankenship asked the applicant about the use of the loading area, especially considering a commercial unit was provided. The applicant indicated that the loading zone would primarily serve the residents. Ms. Blankenship echoed concerns from fellow Board members regarding the loading zone's size, emphasizing the need for proper management of the space. She also asked if a restaurant use was contemplated for the commercial space, and the applicant clarified that there was currently no intention to utilize the space for a restaurant.

MOTION to recommend approval, as amended, of the Level 4 (2022-063) Site Plan, Landscape Plan, and Architectural Elevations, for Delray Swan, a +/-304,506 square foot, five-story mixed-use building, including a revitalization incentive density bonus of up to 70 dwelling units per acre, at 118 SE 2nd Street; 240, 258, 264, and 280 SE 2nd Avenue; and 215, 219, 223, 227, 231, 237, 243, 251, and 253 SE 1st Avenue, by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations with the following conditions, that the color gray not be included on the exterior and that balcony overhangs be white and not brown and that an internal access door be provided to the trash room was made by Gregory Snyder and seconded by Alison Thomas.

MOTION CARRIED 6-0

10. LEGISLATIVE ITEMS

A. Amendment to the Land Development Regulations (2024-029): Provide a recommendation to the City Commission on a City-initiated amendment to Section 4.4.13(1)(2), "Minimum number of off-street parking spaces," of the Land Development Regulations to extend the exemption for existing commercial buildings within the West Atlantic Neighborhood Sub-district with a change of use, and existing commercial buildings with an outdoor use area, from providing additional on-site parking, through December 31, 2026, as proposed in Ordinance No. 53-23.

Applicant: City of Delray Beach

Planner: Rebekah Dasari, Principal Planner; dasarir@mydelraybeach.com

Item 10.A has been continued.

Motion to amend the agenda to remove item 10A was made by Christina Morrison and seconded by Gregory Snyder.

MOTION CARRIED 6-0

10. REPORTS AND COMMENTS

A. CITY STAFF

The next meeting will be held on December 18, 2023.

Rebekah Dasari welcomed the new members of the Board.

B. BOARD ATTORNEY

William Bennett welcomed the new members and introduced Daniela Vega, Staff Assistant City Attorney. Mr. Bennett reminded the Board Members to complete the ethics training if they have not yet done so. An instructional video will be provided in the future. Mr. Bennett reminded the Board members of the Sunshine Laws which require public disclosure of government records.

C. BOARD MEMBERS

11. ADJOURN

There being no further business to come before the Board, the meeting was adjourned at 7:09 pm.

The undersigned is the Board Secretary of the Planning and Zoning Board and the information provided herein is the Minutes of the meeting of said body for **November 27, 2023**, which were formally adopted and **APPROVED** by the Board on **January 22, 2024**.

ATTEST:



Chair



Board Secretary

NOTE TO READER: If the Minutes you have received are not completed as indicated above, then this means that these are not the official Minutes of the Planning and Zoning Board. They will become official minutes only after review and approval, which may involve some amendments, additions, or deletions.