

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

MEETING DATE: January 22, 2024

MEETING PLACE: City Commission Chambers

1. CALL TO ORDER

The scheduled 5:00 start of the meeting was delayed due to quorum issues. This meeting was called to order by Allison Thomas, 2nd Vice Chair at 6:00 pm.

2. ROLL CALL

A quorum was present at call to order.

Members Present: Allison Thomas 2nd Vice Chair, Chris Brown, Gregory Snyder and Morris Carstarphen

Members Absent: Christina Morrison and Aaron Savitch

Staff Present: Daniela Vega, Assistant City Attorney; Anthea Gianniotis, Development Services Director; Rebekah Dasari, Principal Planner; Michelle Hoyland, Principal Planner; Susana Rodrigues, Planner; Kent Edwards, Sustainability Officer and Diane Miller, Board Secretary.

3. APPROVAL OF AGENDA

Ms. Dasari requested that Director comments be added after Item 3, Approval of the Agenda.

Motion to APPROVE the amended January 22, 2024, agenda by Gregory Snyder and seconded by Chris Brown.

MOTION CARRIED 4-0

Anthea Gianniotis, Development Services Director, paid tribute to Board Chair, Julen Blankenship, for her dedication and service to the City on the Planning and Zoning Board, and expressed condolences at her recent passing.

4. MINUTES

Motion to APPROVE the minutes of the November 27, 2023, and December 18, 2023 meeting was made by Gregory Snyder and seconded by Morris Carstarphen.

Motion Carried 4-0

5. ADOPTION OF THE BYLAWS

Gregory Snyder recommended that the first sentence of article three be so to read: "The Board Clerk, appointed by the City Manager, shall administer oaths, record proceedings of the Board, keep minutes of proceedings and place items on the agenda on the next meeting agenda for approval by the Board, call roll, record votes of the Board and carry out duties related to assisting with preparation, posting, and distribution of agenda and materials to Board members and preparation of Board Orders for signature."

Motion to APPROVE to approve the Bylaws was made by Chris Brown and seconded by Gregory Snyder.

Motion Carried 4-0

6. SWEARING IN OF THE PUBLIC

Allison Thomas, 2nd Vice 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. Plat - Major Subdivision with Waivers (2023-139): Provide a recommendation to the City Commission on "Magnolia Place," a Major Subdivision Plat with Waivers, to replat portions of the south half of Lot 13 and all of Lots 14 through 19, inclusive Block 70, Amended plat of Sundy and Cromer's Subdivision of Block 70

Address: Downtown Delray Villas/Magnolia Place (19 SE 2nd Street - 130, 134, & 148 SE 1st Avenue), Old School Square Historic District

Owner/Applicant: 130 SE 1st LLC; reception@seasidebuildersfla.com

Agent: Jeffrey A. Costello.; mike@covellidesign.com

Planner: Michelle Hoyland; Hoylandm@mydelraybeach.com

Michelle Hoyland, Principal Planner, entered File No. 2023-139 into the record.

Applicant Presentation

Jeffrey A. Costello, JC Planning Solutions, 821 Delray Lakes Drive, Delray Beach, FL 33444

Gary Eliopoulos, GE Architecture Inc, 1045 E Atlantic Avenue #303, Delray Beach, FL 33483

Staff Presentation

Michelle Hoyland, Principal Planner, presented the project from a Microsoft PowerPoint presentation.

Experte Communication

Allison Thomas- Spoke with Jeff Costello, visited the site and received emails regarding the project.

Chris Brown- Spoke with Jeff Costello and visited the site.

Gregory Snyder- Spoke with Jeff Costello, visited the site and received emails regarding the project.

Morris Carstarphen- Spoke with Jeff Costello and received emails regarding the project.

Public Comment

Gary Rice highlighted the Board's challenging task in evaluating the proposed redevelopment's potential impact on both the subject area's revitalization and the well-being of neighboring residents.

Joseph Pasquarella, residing at 111 SE 1st Avenue Unit 418, expressed strong support for the project, highlighting its significant improvement over the current state of the site.

Louis Zicht, residing at 111 SE 1st Avenue Unit 308, echoed support for the project, emphasizing the underutilization and unattractiveness of the current site.

Anthony Marino, residing at 111 SE 1st Avenue, emphasized the current unsightliness of the subject site and its negative effect on the area, voicing support for the proposed development as a means to improve the situation.

Rebuttal/Cross

Jeff Costello highlighted that the property's current zoning is non-residential and emphasized the intention for the project to blend with the surrounding streetscape, serving as a transitional element between Atlantic Avenue and the Osceola predominately single-family neighborhood.

Gary Eliopoulos underscored that the fourplex is not designated historic and holds no historical significance. He further clarified that the proposed structures, designed within height limitations, will adhere to all required setbacks.

Michelle Hoyland emphasized the presence of specific design standards for the front, side, and rear aspects of the proposed structure. Additionally, she contested the characterization of the structures slated for demolition as blighted, citing the mixed-use nature of the Old School Square Historic District, which encompasses both commercial and residential elements.

Board Comments

Gregory Snyder inquired from staff as to why the Site Plan was not being presented along with the item before the Board considering the recent Land Development Regulations amendments streamlining the Board Review processes. Staff indicated that the process has been streamlined and that the Historic Preservation Board has heard Certificate of Appropriateness requests with associated waivers and requests. Despite acknowledging the necessity for the redevelopment of the five parcels, Mr. Snyder pointed out that the current Land Development Regulations mandate a minimum lot width of 80 feet. Granting a waiver to this requirement would confer special privileges to the applicant, noting that the applicant can revise the design to comply with the Land Development Regulations.

Chris Brown emphasized the imperative to revitalize the blighted properties and expressed support for the architectural style, noting that the duplex units resemble single-family homes.

Morris Carstarphen remarked on the potential enhancement of the area's appearance through the proposed development and inquired about any Code Enforcement maintenance violations.

Allison Thomas sought clarification from staff regarding the reference in the staff report to the existing fourplex. Michelle Hoyland noted that the structure was noted in the 2020 Historic District resurvey to be considered a contributing structure within the proposed Atlantic Avenue Historic District and stressed the importance of preserving historic structures. Ms. Thomas also commented on the current condition of the structures and highlighted the anticipated improvements to the area resulting from the proposed changes.

MOTION to recommend approval of the Major Subdivision Plat and Waivers (2023-139), for the property located at Downtown Delray Villas A.K.A. Magnolia Place, Old School Square Historic District, by finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations was made by Chris Brown and seconded by Morris Carstarphen

MOTION CARRIED 3-1

DISSENTING Gregory Snyder

10. LEGISLATIVE ITEMS

A. Amendment to the Land Development Regulations, Infill Housing Compatibility Initiative (2024-046): Provide a recommendation to the City Commission on Ordinance No. 08-24, a City-initiated request to amend Section 4.4.3, "Single Family Residential (R-1) Districts," Section 4.4.5, "Low Density Residential (RL) District," Section 4.4.6, "Medium Density Residential (RM) District," and Appendix A, "Definitions," of the Land Development Regulations (LDR) to adopt floor area ratio and building articulation regulations, and amending Appendix A, "Definitions to adopt associated definitions, for single family, duplex, and multi-family development property east of the Intracoastal Waterway.

Staff Contact: Anthea Gianniotis, Development Services Director, GianniotisA@mydelraybeach.com; Susana Rodrigues, Planner, RodriguesS@mydelraybeach.com

Susana Rodrigues, Planner, entered File No. 2024-046 into the record.

Staff Presentation

Susana Rodrigues, Planner, presented the project from a Microsoft PowerPoint presentation.

Public Comments

Hal Stern, residing at 622 Seasage Drive and serving as the President of the Beach Property Owners Association, expressed his support for the Land Development Regulation amendment.

Ned Whalen highlighted the necessity of the Land Development Regulation amendment, citing the construction of new three-story homes that adversely affect adjacent existing homes. He explained that the proposed amendment would restrict floor area ratios and introduce tiered regulations for second and third-floor homes.

William Petry, residing at 1035 N Vista Del Mar Drive, noted that the majority of homes on his block are newer three-story constructions. He suggested that if the proposed Land Development Amendment were in effect, it would result in smaller homes.

Maura Abad, residing at 902 Seasage Drive, expressed concerns about the height and size of some new construction homes, as well as their architectural styles, which she deemed inconsistent with the neighborhood's aesthetics.

Gary Rice, residing at 1230 S Ocean Boulevard, voiced concerns about a newly constructed single-family home adjacent to his residence. He recommended the adoption of the proposed Land Development to limit the size and intrusiveness of new structures.

Board Comments

Morris Carstarphen sought clarification from staff regarding the impact of the proposed changes on building permits that had already been submitted. Staff clarified that permits submitted after the effective date of the amendment would be subject to the provisions outlined in the amended Land Development Regulation.

Gregory Snyder expressed strong support for the proposed amendment.

Chris Brown voiced his support for the amendment, highlighting its potential to serve as a model for other zoning districts and neighborhoods within the city.

Allison Thomas also expressed her support for the proposed amendment.

MOTION to recommend approval to the City Commission of Ordinance No. 08-24, a City-initiated request to amend Section 4.4.3, "Single Family Residential (R-1) Districts," Section 4.4.5, "Low Density Residential (RL) District," Section 4.4.6, "Medium Density Residential (RM) District," and Appendix A, "Definitions," of the Land Development Regulations (LDR) to adopt floor area ratio and building articulation regulations, and amending Appendix A, "Definitions to adopt associated definitions, for single family, duplex, and multi-family development property east of the Intracoastal Waterway, by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations was made by Chris Brown and seconded by Gregory Snyder.

MOTION CARRIED 4-0

B. Parks at Delray Street Renaming (2024-065): Provide a recommendation to the City Commission on Resolution No. 37-24 renaming Palm Drive, a private right-of-way (street) within Parks at Delray, as "Heron Club Drive."

Planner: Rebekah Dasari, dasarir@mydelraybeach.com

Staff: Anthea Gianniotas, Director, gianniotasa@mydelraybeach.com

Rebekah Dasari, Principal Planner, entered File No. 2024-065 into the record.

Staff Presentation

Rebekah Dasari, presented the proposed amendment though a PowerPoint presentation.

Public Comments

None.

Board Comments

None.

Motion to recommend approval to the City Commission on Resolution No. 37-24 renaming Palm Drive, a private right-of-way located within Parks at Delray, as “Heron Club Drive,” finding that the request meets the applicable criteria in the Land Development Regulations was made by Gregory Snyder and seconded by Chris Brown.

MOTION CARRIED 4-0

C. Amendment to the Land Development Regulations, Tree Fund Definition (2024-050):Provide a recommendation to the City Commission on a City-initiated amendment to Appendix A, “Definitions,” of the Land Development Regulations to revise the definition of the Tree Trust Fund to include maintenance activities, as proposed in Ordinance No. 06-24.

Staff Contact: Kent Edwards, Sustainability Officer; edwardsj@mydelraybeach.com

Rebekah Dasari, Principal Planner, entered File No. 2024-050 into the record.

Staff Presentation

Kent Edwards, Sustainability Officer, presented the proposed amendment though a PowerPoint presentation.

Public Comments

None.

Board Comments

Gregory Snyder voiced support for the proposed amendment and emphasized the importance of preserving the existing trees within the city. He confirmed that funds allocated for maintaining existing trees would be obtained exclusively from the tree trust fund. However, Mr. Snyder expressed concerns about the sufficiency of funds to plant new trees if too large of a percentage is dedicated to the maintenance of existing trees. He recommended that the City carefully evaluate the amount of funds that can be allocated to maintenance, in order to preserve the primary purpose of the tree fund, which is tree planting.

Morris Carstarphen acknowledged the significance of the Community Greening project but expressed hesitancy towards supporting the proposed amendment. He raised questions about the location of tree installations in areas lacking irrigation systems, which could compromise the sustainability of newly planted trees.

Allison Thomas questioned why the Land Development Regulation regarding the establishment of the Tree Trust Fund initially did not include provisions for utilizing funds within the fund for maintenance purposes. Mr. Edwards stated that he interprets the definition to mean that maintenance is considered part of the installation process, but that interpretation has not been universal, and when the definition was adopted, maintenance language was ultimately not included. Ms. Thomas voiced concerns about the potential depletion of tree trust funds without adequate provision for maintaining newly planted trees.

Motion to recommend approval to the City Commission of Ordinance No. 06-24, amending the Land Development Regulations Appendix A, "Definitions," to include a provision for use of the Tree Trust Fund to offset maintenance costs for trees and palms, by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations, with the understanding that the Board's concerns will be communicated to City Commission, was noted was made by Gregory Snyder and seconded by Chris Brown.

MOTION CARRIED 4-0

11. REPORTS AND COMMENTS

A. CITY STAFF

The next meeting will be held on February 26, 2024.

B. BOARD ATTORNEY

None

C. BOARD MEMBERS

None

12. ADJOURN

There being no further business to come before the Board, the meeting was adjourned at 8:52 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 **January 22, 2024**, which were formally adopted and **APPROVED** by the Board on **February 26, 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.