

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

MEETING DATE: April 15, 2024

MEETING PLACE: City Commission Chambers

1. CALL TO ORDER

This meeting was called to order by Christina Morrison, Chair at 5:01 pm.

2. ROLL CALL

A quorum was present at call to order.

Members Present: Christina Morrison, Chair; Alison Thomas, Vice Chair; Gregory Snyder, 2nd Vice Chair; Chris Brown; Aaron Savitch, Judy Mollica and Morris Carstarphen

Members Absent: None

Staff Present: William Bennett, Assistant City Attorney; Amy Alvarez, Assistant Development Services Director; Rebekah Dasari, Principal Planner; Susana Rodriques, Planner, and Diane Miller, Board Secretary.

3. APPROVAL OF AGENDA

Motion to APPROVE the agenda of the April 15, 2024, meeting was made by Gregory Snyder and seconded by Alison Thomas.

MOTION CARRIED 5-0

4. MINUTES

Motion to APPROVE the minutes of the February 26, 2024, meeting was made by Alison Thomas and seconded by Morris Carstarphen.

MOTION CARRIED 7-0

Motion to APPROVE the minutes of the March 18, 2024, meeting was made by Judy Mollica and seconded by Gregory Snyder.

MOTION CARRIED 7-0

5. SWEARING IN OF THE PUBLIC

Christina Morrison, 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.

6. COMMENTS FROM THE PUBLIC

None.

7. PRESENTATIONS

A. Initiation of the City's Annual Infrastructure Improvement Hearing: Review the Capital Improvements Project (CIP) process and open the Annual Infrastructure Improvement Hearing. NOTE: This initiation also serves as an announcement to the City of Delray Beach's residents, property owners, and businesses to begin thinking about the infrastructure needs they observe so they can share them with City Staff. Information regarding the submittal of public comments is provided in the attachment, along with the current Capital Improvement Program, for reference.

Planner: Rebekah Dasari; dasarir@mydelraybeach.com

Rebekah Dasari emphasized that the aim of the presentation is to solicit valuable public feedback on Capital Improvement projects exceeding \$25,000. Ms. Dasari highlighted that the public engagement process began on April 5, 2024, and extend through May 20, 2024, ensuring ample time for community input.

Public Comments

Bruce Leash, residing at 335 SE 6th Avenue and serving as President of the Meridian Condominium Association, advocated for the installation of a pedestrian barrier on the Atlantic Avenue bridge, cited frequent flooding beneath the bridge and the need to deter vagrants from occupying the space. Additionally, Mr. Leash highlighted concerns regarding insufficient funding for tree replacement along Federal Highway and proposed a second phase of the Lawson project to enhance the streetscape with additional trees. He also suggested the creation of mini parks on dead-end streets facing the Intracoastal Waterway.

Jay Alperin, residing at 3130 Lawson Boulevard, sought clarification on the proposed golf course renovation outlined in the Capital Improvement Plan. He recommended allocating funds for a comprehensive renovation of the entire golf course, including the installation of new water wells. Mr. Alperin also raised concerns about sections of Lawson Boulevard that were incorrectly installed and now showing signs of deterioration.

Mike Tang, residing at 3865 Sabal Lakes Road, inquired about potential multimodal improvements to Barwick Road north of Lake Ida Road to accommodate future housing construction.

Albert Richwagen, owner of property at 298 NE 6th Avenue, expressed a need for additional bicycle racks along Atlantic Avenue and supported the need for improvements to Barwick Road as mentioned by Mr. Tang.

Board Comments

Morris Carstarphen sought clarification from staff regarding the status of projects listed in previous Capital Improvement Plans but not completed within the designated year, expressing particular interest in addressing improvements in the Northwest and Southwest sections. Specifically, Mr. Carstarphen emphasized the importance of paving unimproved alleyways and installing additional street lighting to enhance safety and accessibility in these areas.

Gregory Snyder inquired about the ongoing installation of new water meters and whether it was linked to recent water billing issues. Staff clarified that meter replacement was part of an ongoing effort to update aging or malfunctioning meters. Mr. Snyder recommended including the renovation of the City Golf Course in the Capital Improvement Plan and suggested coordinating the Lakeview Drive drainage project with other construction activities to minimize disruptions for nearby residents.

Christina Morrison questioned the absence of the City Golf Course renovation as a specific item in the Capital Improvement Plan. Staff explained that the potential historic status of the Golf Course was under evaluation, with further details available from the Public Works Department in the future. Ms. Morrison also raised concerns about routine maintenance and upgrades to existing infrastructure, as well as the city's water quality and the measures in place to ensure a safe water supply, especially with the construction of a new water treatment plant in the coming years.

8. QUASI-JUDICIAL HEARING ITEMS

A. Edge of Pineapple Grove (2022-008): Provide a recommendation to the City Commission on a waiver request associated with a Level 4 Site Plan for an eight-unit townhouse development, to allow vehicular access from a Primary Street (NE 2nd Street) within the Central Business District (CBD).

Address: 605 NE 2nd Street

PCN: 12-43-46-16-01-114-0090

Applicant: Downtown Second Street, LLC

Property Owner: 215 NE 6th Ave, LLC

Authorized Agent: Dunay, Miskel & Backman, LLP; bmiskel@dmbblaw.com, cbilenki@dmbblaw.com

Project Planner: Susie Rodrigues, Planner; rodriguess@mydelraybeach.com; Amy Alvarez, Assistant Director; alvarez@mydelraybeach.com

Susie Rodrigues, Planner, entered File No. 2022-0008 into the record.

Exparte Communication

Alison Thomas- Visted the site spoke with the Applicant and was a member of the Site Plan Review and Appearance Board when the Board reviewed the item.

Chris Brown- Spoke with Bonnie Miskel regarding the project.

Gregory Snyder- Visted the site.

Morris Carstarphen- None.

Christina Morrison- Familiar with the site and spoke with the Applicant.

Aaron Savitch-None.

Judy Mollica- Visted the site.

Applicant Presentation

Christina Bilenki; Miskel Backman LLP; 14 SE 4th Street #26, Boca Raton, FL 33433

Adam Kerr; Kimberly Horn and Associates; 477 South Rosemary Avenue Suite 215, West Palm Beach, FL 33401

Staff Presentation

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

Public Comments

Albert Richwagen, owner of 298 NE 6th Avenue, expressed opposition of the proposed project, citing concerns about its inconsistency with the area's architectural massing, the absence of guest parking, and the potential adverse impact of a reduced setback along Federal Highway.

Michael Schlesinger, residing at 200 NE 7th Avenue Unit 3, strongly opposed the proposed project, arguing that it failed to meet required criteria and would pose safety risks due to the narrowness of the alleyway. Mr. Schlesinger also stated that he did not receive a copy of the amended development plan.

Joy Howell, residing at 25 NW 24th Court, urged the Board to consider the alternative traffic flow proposed by the applicant should they grant the requested waiver.

Jack Indekeu, residing at 419 NE 8th Avenue, highlighted the opposition of the Pam Trail Homeowners Association and endorsed the safer alternative traffic flow proposed by the applicant. He also emphasized the importance of preserving the existing tree canopy and recommended exceeding the City's landscaping requirements to soften the structure's visual impact.

Mark Ronald, residing at 722 NE 2nd Street, voiced concerns regarding the proposed location of driveways and the proposed traffic flow of the project.

Rebuttal/Cross

Christina Bilenki emphasized that the alternative traffic flow adheres to the regulations outlined in the City's Land Development Regulations.

Amy Alvarez clarified that the current agenda item pertains to granting access from a primary street, with the comprehensive review of the Site Plan to be presented to the Board on a subsequent occasion.

Board Comments

Gregory Snyder expressed apprehension regarding the proposed project, particularly regarding the waiver. Mr. Snyder noted that any development of the parcel would likely necessitate access from a primary street. Seeking clarification, he inquired about the width of the adjacent alleyway, to which staff clarified that it will measure 20 feet (subsequent to the required dedication and improvements) to the driveway, with the alley narrowing to 18 feet, and then to 16 feet north of the project. Mr. Snyder recommended that access to the development be facilitated from Hoffman Lane.

Chris Brown directed a question to the applicant's traffic engineer regarding the safest traffic proposal. Adam Kerr, the traffic engineer, affirmed the applicant's willingness to

adjust traffic flow direction as requested by the Board, noting that the amended traffic pattern represented an enhancement over the original plan. Mr. Brown indicated that he did not have safety concerns for pedestrian traffic.

Aaron Savitch sought clarification from the applicant's Traffic Engineer regarding the maximum number of vehicles that can queue on NE 2nd Street before causing congestion on Federal Highway. Mr. Kerr stated that up to three vehicles can queue without obstructing traffic on Federal Highway.

Judy Mollica highlighted her observation during a site visit the notable presence of delivery vehicles at the subject location and the potential traffic obstructions they can pose.

Alison Thomas expressed support for the proposed development, viewing it as an enhancement to the area. She endorsed the requested waiver on the condition that appropriate safety measures are implemented.

Morris Carstarphen voiced opposition to the requested waiver, referencing resident objections. He expressed concerns that any traffic obstruction within the alley could lead to congestion on NE 2nd Street or Federal Highway. Mr. Carstarphen concluded that the applicant failed to meet the necessary criteria for the waiver.

Christina Morrison sought clarification regarding the width of Hoffman Lane. Staff clarified that the alleyway adjacent to the proposed project would be widened to 20 feet as part of the development, with further improvements to other sections of the alleyway to be conducted in the future. Ms. Morrison noted that the previous restaurant at the location had accessed NE 2nd Street without encountering issues.

MOTION to move to recommend approval to the City Commission of the waiver request for The Edge at Pineapple Grove at 605 NE 2nd Street (2022-008) to allow vehicular access from NE 2nd Street, a Primary Street, by finding that the request meets the criteria set forth in the Land Development Regulations with the condition that the flow of traffic enter through Hoffman Lane and exit through NE 2nd Street, was made by Alison Thomas and seconded by Gregory Snyder.

MOTION CARRIED 5-2

DISSENTING Morris Carstarphen and Christina Morrison

B. Delray Nissan (2024-002): Consideration of a Level 3 Site Plan and Architectural Elevations Modifications to modify the existing elevations and to enclose 1,794 square feet of the existing outdoor display area with glass and 1,552 square foot existing canopy with glass overhead doors for indoor vehicle display (3,346 square feet total) for Delray Nissan located at 2200 S. Federal Highway.

Address: 2200 S. Federal Highway

Owner/Applicant: MDR Delray Auto, LLC; mgrieco@griecoag.com

Agent: Michael Weiner, Sachs Sax Caplan, PL; mweiner@ssclawfirm.com

Planner: Alexia Howald; Senior Planner howalda@mydelraybeach.com

Alexia Howald; Senior Planner, entered File No. 2024-002 into the record.

Applicant Presentation

Rebecca Zissel, Sachs Sax Caplan, PL; 6111 Broken Sound Parkway Suite 200, Boca Raton, FL 33487

Staff Presentation

Alexia Howald; Senior Planner, entered the project from a Microsoft PowerPoint presentation.

Public Comments

Alice Finst, a resident of 707 Place Tavant, expressed apprehension regarding the proposal's compliance with the City's Land Development Regulations regarding landscaping.

Rebuttal/Cross

None.

Board Comments

Alison Thomas expressed her support of the proposed design and sought clarification from the applicant regarding whether the planned alterations would reroute internal traffic to the perimeter of the property. The applicant clarified that the proposed alterations would not impact internal traffic flow.

Chris Brown and Gregory Snyder voiced their support for the changes, viewing them as enhancements to the current conditions.

Christina Morrison inquired about the positioning of overhead doors in relation to Federal Highway. Staff confirmed that overhead doors would face Federal Highway, while repair and service doors would be situated at the rear of the structure, away from view from Federal Highway.

Aaron Savitch raised a concern about light emissions from the second floor and confirmed with the applicant that there would be no signage present inside or outside the building, and all lighting would adhere to the City's photometric regulations.

MOTION to move approval of the Level 3 (2024-002) Site Plan, and Architectural Elevations, to modify the existing elevations and to enclose 1,794 square feet of the existing outdoor display area with glass and 1,552 square foot existing canopy with glass overhead doors for indoor vehicle display (3,346 square feet total), for Delray Nissan located at 2200 S. Federal Highway, by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations, was made by Alison Thomas and seconded by Judy Mollica.

MOTION CARRIED 5-0

9. LEGISLATIVE ITEMS

None.

10. REPORTS AND COMMENTS

A. CITY STAFF

The meeting originally scheduled for August 19, 2024, has been rescheduled to August 12, 2024, due to a conflict with Commission meeting requirements during the budget hearing process.

The Land Development Regulation amendment to temporary parking lot regulations is scheduled for first reading at City Commission on May 7, 2024.

The proposed structures within the setback ordinance will be brought before the Board during the May meeting. The ordinance's adoption is anticipated for June 4, 2024, by the City Commission.

B. BOARD ATTORNEY

None.

C. BOARD MEMBERS

Gregory Snyder raised a concern regarding the growing prevalence of residential units situated along alleyways, suggesting revising the City's Land Development Regulations to restrict such developments. Staff indicated that in certain circumstances there is preference to have alley access and that the City Commission has provided guidance regarding projects abutting alleyways to allow for adequate access for emergency services.

Morris Carstarphen discussed community input when evaluating development proposals.

12. ADJOURN

There being no further business to come before the Board, the meeting was adjourned at 7:15 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 **April 15, 2024**, which were formally adopted and **APPROVED** by the Board on **May 20, 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.