

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

MEETING DATE: January 27,2025

MEETING PLACE: City Commission Chambers

1. CALL TO ORDER

This meeting was called to order by Gregory Snyder, Chair at 5:01 pm.

2. ROLL CALL

A quorum was present at call to order.

Members Present: Gregory Snyder, Chair; Alison Thomas, Vice Chair; Mitch Katz 2nd Vice Chair; Judy Mollica, Jeffrey Meiselman, Dedrick Straghn (arrived at 5:11pm)

Members Absent: Chris Brown

Staff Present: Kelly Brandon, Assistant City Attorney; Rebekah Dasari, Principal Planner; Rafik Ibrahim, Principal Planner; Grisel Rodriguez, Senior Planner; Alexia Howald, Senior Planner; Diane Miller, Board Secretary.

3. APPROVAL OF AGENDA

Motion to APPROVE the agenda of January 27, 2025, meeting was made by Judy Mollica and seconded by Alison Thomas.

MOTION CARRIED 5-0

4. MINUTES

None.

5. SWEARING IN OF THE PUBLIC

Gregory Snyder, 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

None.

8. QUASI-JUDICIAL HEARING ITEMS

A. Candy Wonderland (2024-242): Provide a recommendation to the City Commission regarding a Conditional Use request to allow a +/- 2,423 square-foot Recreational Establishment (Children's Indoor Playground) located at 14406 South Military Trail.

(PUBLIC HEARING)

Address: 14406 South Military Trail

Agent: Rebecca Zissel, Sachs, Sax Caplan, PL; rzissel@ssclawfirm.com

Planner: Grisel Rodriguez, Senior Planner; rodriguezg@mydelraybeach.com

Grisel Rodriguez, Senior Planner, entered File No. 2024-242 into the record.

Exparte Communication

Gregory Snyder- Very familiar with the location.

Alison Thomas- None.

Judy Mollica- Spoke with the owner.

Mitch Katz- Spoke with a couple of the neighboring owners and visited the plaza.

Jeffrey Meiselman- Visited the site.

Applicant Presentation

Rebecca Zissel, Sachs Sax Caplan, 6111 Broken Sound Pkwy, Boca Raton

Staff Presentation

Grisel Rodriguez, Senior Planner, presented the project from a Microsoft PowerPoint presentation.

Public Comments

None.

Rebuttal/Cross Examination

Mr. Katz asked about building permits. Ms. Rodriguez confirmed that no building permits were applied for.

Ms. Zissel said that there was no structural work done at the location, so the applicant did not know they needed to apply for building permits.

Ms. Dasari said that staff were requesting a building permit application and Fire inspections to ensure all the materials were safe to protect the life safety of the children of Delray.

Michael Weiner, Sachs Sax Caplan noted several items on the record. First, one member of the board was not present during the applicant's presentation. Second, the applicant received zoning approval and applied for the BTR. Third, this already came before the board for Conditional Use. Finally, this business is a low traffic generator. Permitted uses would have a high traffic impact.

Mr. Snyder asked if it is necessary to present again, and if so, Mr. Weiner would be willing to do so.

Mr. Straghn asked Mr. Weiner for clarification of his concerns. Ms. Brandon commented that Mr. Straghn would be able to ask any question to understand the project; the applicant does not need to present again.

Ms. Dasari said the Board does not need to determine whether the client supplied the correct submission of paperwork. There were three Zoning Certificates of Use (ZCU) submitted and approved as retail, between May 17, 2023, and present. The applicant was approved for retail, and it was not until the parking complaint came in that staff knew Candy Wonderland was a recreational use, not retail. As such, the request before the Board is to review the request for conditional approval for the use.

Ms. Brandon reminded the Board that it is within their purview to determine if the conditional use is appropriate; Code Enforcement will address any non-compliance with approvals.

Board Comments

Ms. Mollica said she thinks the applicant meets all the criteria for approval. She supports the request.

Ms. Thomas agreed with Ms. Mollica.

Mr. Katz asked about the parking spaces provided in the plaza, noted the variety of businesses, and expressed concern with parking sufficiency and the appropriateness of the use. Staff noted that the parking spaces are based on square footage for the shopping plaza, not on use.

Ms. Dasari clarified that one of the businesses in the plaza was not a bar; it was approved as a restaurant. Ms. Dasari also said that the applicant provided a chart of the current uses, using the use-specific rate. Using that method, the number of spaces necessary would be 113 spaces, and there would still be sufficient parking to comply with the parking requirements.

Mr. Meiselman asked about the drop-off of children, and if there has to be an adult with the children at all times.

Randy Williams, the owner of Candy Wonderland, said that the parents would have to stay with the children.

Mr. Snyder said he was not concerned about the parking but was curious about the 9pm closing hours on Friday, Saturday, and Sunday. Mr. Snyder then asked if the 7pm to 9pm hours of business were standard.

Mr. Williams said that they keep the hours open later for the parents that work during the

day, or if they have dinner before arriving.

MOTION to recommend approval to the City Commission of a Conditional Use request for Candy Wonderland Delray, LLC to allow a Recreational Establishment (children's indoor playground) at the property located at 14406 South Military Trail, finding that the request is consistent with the Land Development Regulations and the Comprehensive Plan was made by Judy Mollica and seconded by Jeffrey Meiselman.

MOTION CARRIED 5-1

B. Delray Business Incubator (2023-159): Provide a recommendation to the City Commission on a Level 4 Site Plan Application at 905 SW 14th Avenue, including Architectural Elevations and a Landscape Plan, to construct a 20,216 square-foot warehouse and office building, along with one variance to the required 25% non-vehicular open space and three waivers for bay size, overhead doors, and the required 5-foot perimeter landscape strip associated with the development.

Address: 905 SW 14th Avenue

PCN: 12-43-46-20-59-002-0000

Applicant/ Owner: 1215 Milfred Street, LLC

Agent: John Tice, Architect, Jtice@gha.ai

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

Alexia Howald, Senior Planner entered File No. 2023-159 into the record.

Exparte Communication

Alison Thomas- None.

Dedrick Straghn- None.

Judy Mollica- Drove by the site.

Jeffrey Meiselman- None.

Mitch Katz- None.

Gregory Snyder- Visited the site.

Applicant Presentation

John Tice, GHA Architects and Development Consultants

Staff Presentation

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

Public Comments

Christina Morrison, 1000 Lowry St, Delray Beach. Ms. Morrison, a commercial realtor, does most of her business in that area. Ms. Morrison said that the project is needed because there is a lack of light industrial space in the city. Ms. Morrison continued that the Housing Authority went to great lengths to build the Island Cove neighborhood adjacent to the property and asked the Board to consider asking the applicant for landscaping and limit the overhead doors on the residential side. She also informed the

Board that there are children in the area and to consider asking the applicant for a fence in the retention basin area for safety.

Rebuttal/Cross Examination

None.

Board Comments

Mr. Katz agreed with Ms. Morrison that there is a need for light industrial space. Mr. Katz also agreed with making improvements to the landscaping, to provide a better view for residents of Island Cove. Mr. Katz continued that he was in favor of the project overall, but asked about the five-foot waiver, and about the fence around the retention area. Mr. Tice replied that the entire property will be fenced and so will the retention basin area.

Ms. Thomas questioned the parking that would be taking away landscaping; her concern was how the beauty of the trees and landscaping would be preserved. Mr. Tice said that there will be hedging on the other side of the fence.

Ms. Thomas then asked what the permitting process would be for the future businesses occupying the bays. Mr. Ibrahim responded that every tenant would have to go through Zoning for approval.

Mr. Straghn said it is unsightly to have the six overhead doors facing the residential use. He would like to see something to be done with the overhead doors at both ends of the building. He also would like more landscaping.

Ms. Mollica said that she has the same objections as the other Board members; she felt the six overhead doors would be too much.

Mr. Katz noted that the parking lot entrance would be in line with the overhead door, which cannot be blocked by landscaping.

Mr. Snyder asked if the entrance of the parking lot could be moved. He agreed that it would be unsightly to have the overhead doors line up with the residential properties. Mr. Tice responded that there would be a possibility of getting rid of the two doors at the end of the building. Mr. Snyder asked why the doors could not blend in better with the façade of the building. Mr. Tice said that they were trying to tie in the colors of the other structure.

Ms. Brandon discussed the motion with the board on how to proceed to meet the waiver criteria. If the board was leaning to continue with direction so that it will not adversely affect the neighboring area, they can lay out some direction and postpone to a future date. The other option would be to make the decision today and then it could be brought to the Commission for the final appeal. Ms. Dasari said that it would have to go to Commission for final approval. If the Board is comfortable with staff working with the applicant, directions could be given to where the

Board would like to see changes made. Ms. Dasari noted that it would be advisable to continue the item with further direction, so that the applicant can work and adjust as needed to address the concerns brought by the Board.

Mr. Snyder asked why the open space variance is a variance, and if the variance was granted and the property sold and developed in a new way, the variance would continue with the property.

Ms. Howald responded that anything referenced in the non-vehicular open space, LDR Section 4.3.4(K), is a variance, not at waiver. Any future redevelopment would have to conform to all requirements.

Ms. Brandon said that a variance will move with the land; it does stay with the property.

Mr. Ibrahim clarified that conditions that are associated with granting the variance are changed in the future so that the variance does not exist, if the building was to be demolished, it is then they will come back to redevelopment there is no variance. The variance is the condition of the building.

Mr. Katz asked about the party with responsibility for maintaining the hedges, and the type of hedge proposed, noting that the hedges, depending on the variety, could grow to meet the canopy of the trees.

MOTION to move to recommend to the City Commission approval of a Level 4 Site Plan Application including Architectural Elevations and a Landscape Plan, to construct a 20,216 square-foot warehouse and office building, along with one variance to the required 25 percent non-vehicular open space and three waivers for bay size, overhead doors, and the 5-foot perimeter landscape strip located at 905 SW 14th Avenue, finding that the request is consistent with the Comprehensive Plan and meets the criteria in the Land Development Regulations, subject to the condition that changes are made to the esthetics that will appeal to the neighborhood on the east side of the project with hedges that will mature above the fence line, and location of the east entrances with less visibility of the bay doors to the residents and the use of more visually appealing elevations made by Mitch Katz and seconded by Judy Mollica.

MOTION CARRIED 6-0

9. LEGISLATIVE ITEMS

A. Amendment to the Land Development Regulations, Overhead Doors (2025-103): Provide a recommendation on Ordinance No. 09-25, a City-initiated amendment to Section 4.4.19, "Mixed Industrial and Commercial (MIC) District," Section 4.4.20, "Industrial (I) District," Section 4.4.26, "Light Industrial (LI) District," of the Land Development Regulations (LDR) to amend regulations for overhead doors.

Applicant: Not applicable; City-initiated amendment.

Planner: Rebekah Dasari, dasarir@mydelraybeach.com

Staff Presentation

Rebekah Dasari, Principal Planner, entered the project from a Microsoft PowerPoint presentation.

Public Comments

Christina Morrison, 1000 Lowry St Delray Beach. Ms. Morrison said that overhead doors in industrial areas should not face residential areas.

Board Comments

Ms. Thomas questioned if the proposed changes would keep people from asking for a waiver.

Ms. Dasari responded this would provide specifics to allow overhead doors to face rights of way in more circumstances, but offers an opportunity for a waiver if an overhead door did not meet the requirements.

Mr. Katz said he likes the word “shall” instead of “may” in the ordinance.

Mr. Meiselman asked if the specific definition of an overhead door is a rollup door.

Ms. Dasari responded that it is not specifically defined, but a definition can always be added.

MOTION to recommend approval to the City Commission on Ordinance No. 09-25, a City-initiated amendment to Section 4.4.19, “Mixed Industrial and Commercial (MIC) District,” Section 4.4.20, “Industrial (I) District,” Section 4.4.26, “Light Industrial (LI) District,” of the Land Development Regulations (LDR) to amend regulations for overhead doors, by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations made by Judy Mollica and seconded by Mitch Katz.

MOTION CARRIED 6-0

B. Amendment to the Land Development Regulations, Structures in Setbacks

(2025-105): Provide a recommendation on Ordinance No. 10-25, a City-initiated request to amend and update Section 4.3.4(H), “Setbacks,” Section 4.6.15(G), “Yard Encroachment” of the Land Development Regulations (LDR) to clarify regulations on building elements and site improvements allowed in building setbacks.

Applicant: Not applicable; City-initiated amendment.

Planner: Rebekah Dasari, dasarir@mydelraybeach.com

Staff Presentation

Rebekah Dasari, Principal Planner, entered the project from a Microsoft PowerPoint presentation.

Public Comments

None.

Board Comments

Mr. Straghn asked about what would happen if someone proposed a pergola that does not meet the 10x10x10 dimensions.

Ms. Dasari responded that if the pergola was larger than the 10x10x10 or if it had a roof it would have to move back from the side setbacks and would have to meet the building setbacks.

Ms. Thomas asked if it a property owner would be prohibited from converting a 10 x 10 pergola into a 4-season room or if there was a special process.

Ms. Dasari responded that if the structure had a solid roof, or was enclosed, then it would have to meet the development standards for setbacks and the requirements for an accessory structure, and the setbacks.

MOTION to Recommend approval to the City Commission of Ordinance No. 10-25, on a City-initiated request to amend Land Development Regulations Section 4.3.4 “Base District Development Standards”, Subsection (H) “Setbacks,” amending Section 4.6.15, “Swimming Pool, Whirlpools, and Spas,” Subsection (G), “Yard Encroachment” to clarify regulations on building elements and site improvements allowed in building setbacks, by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations made by Alison Thomas and seconded by Judy Mollica.

MOTION CARRIED 6-0

10. REPORTS AND COMMENTS

A. CITY STAFF

None.

B. BOARD ATTORNEY

None.

C. BOARD MEMBERS

Mr. Straghn asked if there was a way to break down the recommendation so if we do not agree with one waiver can it still move forward with the others? It seems we are making a recommendation all inclusive. MS. Dasari commented that she can work with how the motions are worded.

11. ADJOURN

There being no further business to come before the Board, the meeting was adjourned at 7:10 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 27, 2025**, which were formally adopted and **APPROVED** by the Board on

_____.

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.