

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

MEETING DATE: September 17, 2024

MEETING PLACE: City Commission Chambers

1. CALL TO ORDER

This meeting was called to order by William Bennett, Asst. City Attorney 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, Chris Brown, Judy Mollica, and Jeffrey Meiselman.

Members Absent: Dedrick Straghn

Staff Present: William Bennett, Assistant City Attorney; Rebekah Dasari, Principal Planner; Rafik Ibrahim, Principal Planner; Susana Rodrigues, Planner; Alexis Rosenberg, Senior Planner, Cynthia Buisson, Asst. Public Works Director, Diane Miller, Board Secretary.

3. APPROVAL OF AGENDA

Motion to APPROVE the agenda of the September 17, 2024, meeting was made by Mitch Katz and seconded by Judy Mollica.

MOTION CARRIED 6-0

4. ELECTION OF OFFICERS

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

Motion made by Chris Brown to nominate Gregory Snyder as Chair and seconded by Mitch Katz.

Motion made by Judy Mollica to nominate Alison Thomas as Chair and seconded by Gregory Snyder.

Gregory Snyder-3 votes

Alison Thomas-3 votes

In the absence of procedures in Roberts Rules of Order for breaking a tie, a coin toss was proposed.

Motion to approve a coin toss to break the tie made by Gregory Snyder and seconded by Judy Mollica. All in Favor

Coin toss: Heads is Alison Thomas and tails is Gregory Snyder
Mr. Bennett tossed the coin and tails appeared. Gregory Snyder appointed Chair.

Motion made by Chris Brown to nominate Alison Thomas as Vice Chair and seconded by Gregory Snyder.

Motion Carried 6-0

Motion made by Gregory Snyder to nominate Chris Brown as 2nd Vice Chair and seconded by Judy Mollica

Motion made by Jeffrey Meiselman to nominate Mitch Katz as 2nd Vice Chair and seconded by Alison Thomas.

Motion Carried 4-3 for Mitch Katz

5. MINUTES

None.

6. 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.

7. COMMENTS FROM THE PUBLIC

None.

8. PRESENTATIONS

None.

9. QUASI-JUDICIAL HEARING ITEMS

A. Scoopy Doo's, Conditional Use (2024-184-USE-PZB): Provide a recommendation to the City Commission on Resolution No. 171-24, a Conditional Use request to allow pet grooming services at the property located at 507 East Atlantic Avenue, as set forth in Resolution No. 171-24. (PUBLIC HEARING)

Agent: Mike Covelli, ASLA/AICP of Covelli Design Associates, Inc.

mike@covellidesign.com

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

Alexis Rosenberg, Senior Planner, entered File No. 2024-184 into the record.

Exparte Communication

Chris Brown-None
Gregory Snyder-Visited Site
Alison Thomas-None
Jeffrey Meiselman-None
Mitch Katz-None
Judy Mollica-None

Applicant Presentation

Mike Covelli-Covelli Design Associates

Staff Presentation

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

Public Comments

None.

Rebuttal/Cross

None

Board Comments

Judy Mollica-In favor of the project.
Chris Brown-In favor of the project
Alison Thomas-There is a back door and wanted to know if there could be drop off at the entrance. Mr. Covelli was sure you could as the drop off is for appointment only.
Mitch Katz-In favor of the project.
Jeffrey Meiselman-In favor of the project.
Gregory Snyder-In favor of the project.

MOTION to recommend approval to the City Commission of a Conditional Use request for Scoopy Doo’s to allow pet grooming services at 507 East Atlantic Avenue, finding that the request is consistent with the Land Development Regulations and the Comprehensive Plan was made by Judy Mollica and seconded by Alison Thomas.

MOTION CARRIED 6-0

B. The Edge at Pineapple Grove (2022-081): Provide a recommendation to the City Commission on a Level 4 Site Plan (including a Landscape Plan, Architectural Elevations, and Waiver) to construct a seven-unit townhouse development.
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: Miskel & Backman, LLP; bmiskel@miskelbackman.com, cbilenki@miskelbackman.com Project Planner: Susie Rodrigues, Planner; rodriguess@mydelraybeach.com; Amy Alvarez, Assistant Director; alvarez@mydelraybeach.com

Susana Rodrigues, Planner, entered File No. 2022-081 into the record.

Exparte Communication

- Chris Brown-None
- Gregory Snyder-None
- Alison Thomas-Visited Site
- Judy Mollica-None
- Jeffrey Meiselman-Visited Site
- Mitch Katz-Drove by site

Applicant Presentation

- Christine Bilenki, Miskel, Blackman
- Mike Miles, Dynamic Engineering
- Nickolas Gardina, Dynamic Engineering
- Scott Barbro-Scott Barbro Designs-Landscape Architect

Staff Presentation

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

Public Comments

Jill Schifferli, 321 Palm Trail, representing the Palm Trail HOA. Ms. Schifferli stated a favorable opinion of the HOA to the changes to the ingress-egress since earlier iterations of the project.

Rebuttal/Cross

Christine Bilenki clarified that the access gate only opens for emergency use, accessible only by first responders.

Susie Rodrigues provide additional clarification regarding the gate. If the access gate is left opened for other than emergency use, this will be a code enforcement issue.

Board Comments

Chris Brown commented on the proposed architecture.

Alison Thomas expressed support for the proposal, and particularly noted the traffic flow and landscaping.

Judy Mollica-No Comment.

Mitch Katz commented that the architecture is not appropriate for the area. Mr. Katz asked if the only access is off 2nd Avenue. Ms. Bilenki said the site can be accessed from the north.

Jeffrey Meiselman expressed concern about the use of Gumbo Limbo trees and suggested the use of other trees.

Mitch Katz also asked who would be responsible for maintaining the landscaping on the

top of the building. The applicant said it would be the HOA.

Gregory Snyder commented on the architecture. Mr. Snyder asked about the height of the building in comparison to the surrounding buildings. Mr. Gardina responded and said that there will be 4 stories and the building will be about 8 feet higher than the surrounding buildings. Mr. Snyder commented on the variety of units and how the lack of affordable units in this and other proposed developments is disappointing.

MOTION to recommend approval to the City Commission of the Level 4 Site Plan (including a Landscape Plan, Architectural Elevations, and Waiver) known as The Edge at Pineapple Grove located at 605 NE 2nd Street (2022-008) to construct a seven-unit townhouse development, by finding that the request meets the criteria set forth in the Land Development Regulations with the condition that in the HOA documents the entry way with the lockbox is a requirement made by Mitch Katz and seconded by Alison Thomas

MOTION CARRIED 5-1
Dissenting Chris Brown

10. LEGISLATIVE ITEMS

A. Amendment to the Land Development Regulations, Fertilizer Use Regulations (2024-240): Provide a recommendation to the City Commission on Ordinance No. 28-24, a City-initiated amendment to Section 4.6.16, "Landscape Regulations" of the Land Development Regulations (LDR) to adopt comprehensive fertilizer use regulations in compliance with Florida Department of Environmental Protection requirements. Planner: Juan Moises Cuesta, P.E., PMP, Stormwater Engineer; cuestaj@mydelraybeach.com

Rebekah Dasari, Principal Planner, entered File No. 2024-240 into the record.

Staff Presentation

Cynthia Buisson, Assistant Public Works Director
Rebekah Dasari, Principal Planner, Planning & Zoning

Board Comments

Judy Mollica asked about the certification requirements, are they consistent with what Palm Beach County is doing at their level? Ms. Buisson said that this is the same.

Chris Brown asked if a homeowner would be able to fertilize his or her own lawn. Ms. Buisson responded this regulation does not prohibit homeowners from fertilizing their own lawn. Public Works is doing community outreach for educational opportunities on home fertilizer use.

Alison Thomas inquired about the 30 day waiting period and 60 day limit on fertilizer application for new plants. Ms. Buisson noted that new plants are fertilized at planting, so application is not initially needed.

Mitch Katz-No comments.

Jeffrey Meiselman asked if Code Enforcement would enforce the commercial companies that handle fertilizer application. Ms. Buisson said that this is the responsibility of Code Enforcement.

Mitch Katz asked if the proposed amendment relates to sprinkler usage.

MOTION to recommend approval to the City Commission of Ordinance No. 28-24, a City initiated amendment to Section 4.6.16, "Landscape Regulations" of the Land Development Regulations (LDR) to adopt comprehensive fertilizer use regulations in compliance with Florida Department of Environmental Protection (FDEP) requirements, 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 Alison Thomas.

Motion Carried 6-0

B. Amendment to the Land Development Regulations, Article 4.7 Scrivener's Errors (2024-190): Provide a recommendation to the City Commission on Ordinance No. 27-24, a City-initiated amendment to the Land Development Regulations (LDR), amending Article 4.7, "Family/Workforce Housing" to correct scrivener's errors.
Planner: Rebekah Dasari; dasarir@mydelraybeach.com

Staff Presentation

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

Board Comments

No comments.

MOTION to recommend approval to the City Commission of Ordinance No. 27-24; amending Article 4.7, "Family/Workforce Housing," 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 Alison Thomas.

Motion Carried 6-0

C. Amendment to the Land Development Regulations, Corrective Amendment (File 2024-019). Provide a recommendation to the City Commission on Ordinance No, 30-24, a City-initiated amendment to the Land Development Regulations (LDR), amending Chapter 1, "General Provisions," Chapter 2, "Administrative Provisions," Chapter 3, "Performance Standards," Chapter 4, "Zoning Regulations;" Chapter 5, "Subdivision Regulations," Chapter 6, "Infrastructure and Public Property," Chapter 7, "Building Regulations," and Chapter 8, "Special Implementation Programs," to update references consistent with Ordinance No. 31-23 and to correct other outdated references.
Planner: Rebekah Dasari, Principal Planner; dasarir@mydelraybeach.com

Rebekah Dasari, Principal Planner entered the file 2024-019 in the record.

Rebekah Dasari, Principal Planner presented through a Microsoft Powerpoint presentation.

Board Comments

Gregory Snyder commented that Section 4.4.13.F(3)(c) does not allow the Planning and Zoning Board to make a recommendation on a style of architecture. Ms. Dasari thanked Mr. Snyder for catching this omission; it will be added to the draft presented to City Commission.

Motion to Recommend approval to the City Commission of Ordinance No. 30-24, amending Chapter 1, "General Provisions," Chapter 2, "Administrative Provisions," Chapter 3, "Performance Standards," Chapter 4, "Zoning Regulations;" Chapter 5, "Subdivision Regulations," Chapter 6, "Infrastructure and Public Property," Chapter 7, "Building Regulations," and Chapter 8, "Special Implementation Programs;" 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 Mitch Katz and seconded by Alison Thomas.

MOTION CARRIED 6-0

11. REPORTS AND COMMENTS

A. CITY STAFF

The next meetings will be held on October 21, 2024 and December 16, 2024.

B. BOARD ATTORNEY

Mr. Bennett reminded the Board about ethics training for new members as well as returning members who have not recently completed the training

C. BOARD MEMBERS

Mitch Katz will not be at the next meeting in October.
Jeffrey Meiselman will not be at the next meeting in October.
Judy Mollica will have jury duty.

12. ADJOURN

There being no further business to come before the Board, the meeting was adjourned at 6:47 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 **September 17, 2024**, 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.