

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

MEETING DATE: April 21, 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; Chris Brown; Dedrick Straghn; Jeffrey Meiselman

Members Absent: Judy Mollica

Staff Present: Lawonda Warren, Assistant City Attorney/Public Safety Advisor; Rebekah Dasari, Principal Planner; Jason Kaufman, Engineering Division Manager; Grisel Rodriguez, Senior Planner; Alexia Howald, Senior Planner; Julian Gdaniec, Senior Planner; Rafik Ibrahim, Principal Planner; Diane Miller, Board Secretary.

3. APPROVAL OF AGENDA

Motion to APPROVE the agenda of April 21, 2025, meeting was made by Mitch Katz and seconded by Alison Thomas.

MOTION CARRIED 6-0

4. MINUTES

Motion to APPROVE the Minutes for October 21, 2024; November 18, 2024; December 16, 2024, was made by Mitch Katz and seconded by Alison Thomas.

MOTION CARRIED 6-0

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

Michael Tang – 662 Lake Worth Rd – Spoke in opposition of an upcoming City project where there will be no protective barrier on Barwick Road.

7. PRESENTATIONS

A. City's Annual Infrastructure Improvement Hearing: Review the public comments collected during the Annual Infrastructure Improvement Hearing process from February 24, 2025, and recommend which projects should be forwarded to City Staff for evaluation and inclusion in 2025-2029 Capital Improvements Plan (CIP). NOTE: Public comments are provided in the attachment.

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

Rebekah Dasari, Principal Planner, presented the item from a Microsoft PowerPoint presentation.

Public Comment

None.

Board Comment

Mr. Katz commented on the effectiveness of the barriers along Barwick Road project.

Mr. Kaufman noted the design process for the Barwick Road project will be addressed during public outreach meetings which we usually have these meetings for public outreach to get solicitations from the public.

Mr. Snyder stated he would contact Utilities regarding expanding the reclaimed water service and commented on pedestrianizing Atlantic Ave.

8. QUASI-JUDICIAL HEARING ITEMS

A. Layton Pointe (2024-109): Provide a recommendation to the City Commission regarding a Major Subdivision Plat, "Layton Pointe" a 9.34-acre re-plat of a portion of the southwest quarter (SW 1/4) of Section 24, Township 46 south, range 42 east, presently addressed as 3900 Sherwood Boulevard.

Address: 3900 Sherwood Blvd.

PCN: 12-42-46-24-02-007-0071

Applicant / Property Owner: Toll Southeast LP Company, Inc.

Agent: Christina Bilenki, Esq., Miskel Backman LLP

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

Grisel Rodriguez, Senior Planner, entered File No. 2024-109 Major Plat into the record.

Exparte Communication

Gregory Snyder- in neighborhood where he lives, spoke with Applicant, spoke with neighbors regarding project.

Alison Thomas- None

Mitch Katz- None.

Dedrick Straghn- None.

Chris Brown- None.

Jeffrey Meiselman- None

Applicant Presentation

Christina Bilenki, Miskel Backman LLP, 14 S.E 4th Street, Boca Raton, Florida representing the applicant.

Staff Presentation

Grisel Rodriguez presented the project with a Microsoft PowerPoint presentation.

Public Comments

None.

Rebuttal/Cross Examination

None.

Board Comments

Mr. Strong asked if this was originally submitted with 26 homes.

Mr. Brown, Ms. Thomas and Mr. Meiselman stated they were in favor of this project.

Mr. Snyder inquired if the utility easements are represented on the plat and where the utilities come from.

Ms. Bilenki showed the board the easement areas and stated that utilities come in through Lakeview Boulevard and Sherwood Boulevard.

Mr. Snyder asked about the traffic study, and 3-way intersection, and restrictions on Lot 26.

Ms. Rodriguez replied that these items will be added to the the plat.

MOTION to approve the Preliminary Plat, "Layton Pointe", associated with the creation of 26 fee-simple lots, for the property currently addressed as 3900 Sherwood Boulevard, 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 Dedrick Straghn.

MOTION CARRIED 6-0

MOTION to recommend approval to the City Commission for the certification of the final Plat, "Layton Pointe" associated with the creation of 26 fee-simple lots for the property currently addressed at 3900 Sherwood Boulevard, finding that the request is consistent with the Land Development Regulations and the Comprehensive Plan made by Alison Thomas and seconded by Dedrick Straghn.

MOTION CARRIED 6-0

B. Tiffany Cottages (File 2023-122): Consideration of a Level 2 Site Plan Application to allow the conversion of an existing non-habitable structure into a 413 square-foot detached dwelling unit, along with two variances and one landscape waiver, associated with Architectural Elevations and Landscape Plans.

Address: 2312 Spanish Trail

PCN: 12-43-46-28-02-000-1320

Applicant/ Owner: Spanish River Road Apartments, LLC

Agent: Mike Covelli, Covelli Design Associates, Inc.; mike@covellidesign.com

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

Alexia Howald, Senior Planner, entered File No. 2023-122 into the record.

Exparte Communication

Alison Thomas- None.

Dedrick Straghn- None.

Jeffrey Meiselman- None.

Mitch Katz- None.

Gregory Snyder- Visited the site.

Chris Brown-None.

Applicant Presentation

Mike Covelli, Covelli Design, 1209 S. Swinton Ave, Delray Beach Florida, representing the applicant.

Staff Presentation

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

Public Comments

None.

Rebuttal/Cross Examination

None.

Board Comments

Mr. Meiselman inquired if the structure had ever been occupied.

Mr. Covelli replied that the structure was never occupied.

Mr. Katz asked if the structure was converted back to storage, if would it be an approved structure.

Ms. Howald replied that it was previously approved as non-conforming.

Mr. Katz & Mr. Straghn had concerns about applicants requesting after the fact approval.

Ms. Thomas stated she agreed with the rest of the board.

Mr. Snyder spoke about his disapproval of this project.

Mr. Covelli expressed concerns with the opinions of the Board, that the ownership of the property chang , and that the shed, when constructed, was permitted and allowed.

Ms. Thomas explained her position that there are too many requests for relief associated with the project.

Mr. Snyder noted that if the project, came before them today, to be built would still be denied.

MOTION to deny of a Level 2 (2023-122) Site Plan Application including Architectural Elevations and a Landscape Plan, to allow a 413 square foot dwelling unit, along with two variances to the required minimum rear and interior setback and one waiver for the 5-foot

perimeter landscape strip located at 2312 Spanish Trail, finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria in the Land Development Regulations made by Mitch Katz and seconded by Alison Thomas.

MOTION CARRIED 6-0

C. 109 SE 5th Ave - Architectural Design Style (2024-104): Provide a recommendation to the City Commission regarding the implementation of the Contemporary Functionalism architectural style in the Central Business District.

Address: 109 SE 5th Avenue

PCN: 12-43-46-16-F1-000-0010

Applicant / Property Owner: 109 5th LLC

Agent: Neil Schiller, Esq. NeilSchiller@govlawgroup.com

Planner: Julian Gdaniec, Senior Planner; gdaniecj@mydelraybeach.com; Alexia Howald, AICP, Senior Planner; howalda@mydelraybeach.com

Julian Gdaniec, Senior Planner entered File No. 2024-104 into the record.

Exparte Communication

Alison Thomas- None.

Dedrick Straghn- None.

Jeffrey Meiselman- None.

Mitch Katz- None.

Gregory Snyder- Spoke with Mr. Schiller and did research.

Chris Brown- Spoke with Mr. Schiller.

Applicant Presentation

Neil Schiller, representing the applicant, presented through a Microsoft PowerPoint presentation.

Staff Presentation

Julian Gdaniec, Senior Planner, entered the project from a Microsoft PowerPoint presentation.

Public Comments

None.

Rebuttal/Cross Examination

Mr. Schiller noted there's a new board, new City Commission, and Delray is going in a new direction. He echoed staff's statement that the board is not approving a design but approving a style.

Mr. Gdaniec notes the current City Commission is the Commission staff received direction from to remove Masonry Modern from the design guidelines.

Board Comments

Mr. Brown expressed his approval of this style.

Ms. Thomas voiced disappointment that the City Commission would remove Masonry Modern and that the Commission should have the opportunity to discuss.

Mr. Katz noted his involvement in setting the existing design guidelines and suggested the City take a more comprehensive look when adding guidelines.

Ms. Dasari explained that an evaluation of CBD architectural styles is being done.

Mr. Meiselman stated his belief that the City needs new architecture and asked if the building is consistent on all sides and Ms. Fitzgerald confirmed.

Mr. Snyder offered that this decision is not changing the design guidelines and expressed concerns over the requested style being too broad.

The Board discussed the design style and how it fits into the City.

Move to recommend approval to allow the use of the Contemporary Functionalism architectural style, pursuant to LDR Section 4.4.13(F)(3)(c), Other Architectural Styles, for the property located at 109 SE 5th Avenue, 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 Dedrick Straghn.

MOTION CARRIED 4-2

Dissenting Mitch Katz and Gregory Synder

9. LEGISLATIVE ITEMS

A. Amendment to the Land Development Regulations, Retail Tobacco and Nicotine Products Dealers (2025-093): Provide a recommendation to the City Commission on Ordinance No. 04-25, a City-initiated amendment to Section 4.3.3, "Special Requirements for Specific Uses" to adopt Subsection (DDD), "Retail Tobacco and Nicotine Products Dealer," Appendix A, "Definitions" to adopt a definition of Retail Tobacco and Nicotine Products Dealer, and Section 4.4.13, "Central Business (CBD) District" to adopt additional regulations governing the frequency of such use.

Applicant: City-initiated request.

Planner: Rebekah Dasari, dasarir@mydelraybeach.com

Rebekah Dasari, Principal Planner entered File No. 2025-093 into the record.

Board Comments

Mr. Katz noted that he would prefer a distance separation of more than 750' between shops.

Mr. Brown stated support for the proposed changes.

Mr. Straghn questioned the restriction on no more than one retail tobacco shop per block. Ms. Dasari stated that some blocks are larger than others, and in such case the 750 foot restriction could potentially allow more than one shop per block.

Ms. Thomas expressed support for the proposed restrictions.

Mr. Meiselman voiced concerns that the requirement of 300' from schools was too short; he would prefer 1000' or more.

MOTION to recommend **approval** to the City Commission of Ordinance No. 04-25, **as amended**, with greater conditions a City-initiated amendment to Appendix A, "Definitions" to adopt a definition of retail tobacco and nicotine dealers, Section 4.3.3, "Special Requirements for Specific Uses" to adopt Subsection (DDD), "Retail Tobacco and Nicotine Products Dealer," and Section 4.4.13, "Central Business (CBD) District" to adopt regulations governing the frequency of such use, 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 Mitch Katz and seconded by Dedrick Straghn.

MOTION CARRIED 6-0

10. REPORTS AND COMMENTS

A. CITY STAFF

The next meeting dates are May 19 and June 16.

B. BOARD ATTORNEY

None.

C. BOARD MEMBERS

None.

11. ADJOURN

There being no further business to come before the Board, the meeting was adjourned at **7:41 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 21, 2025**, which were formally adopted and APPROVED by the Board on _____.

ATTEST:

Chair

A handwritten signature in black ink, appearing to read "Frank Miller", written over a horizontal line.

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.