



Cover Memorandum/Staff Report

File #: 24-1282

Agenda Date: 11/4/2024

Item #: 6.O.1.

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Director
THROUGH: Terrence R. Moore, ICMA-CM
DATE: November 4, 2024

REPORT OF APPEALABLE DEVELOPMENT APPLICATION ACTIONS FROM SEPTEMBER 9, 2024 THROUGH OCTOBER 24, 2024.

Recommended Action:

By motion, receive and file this report for actions on development application requests from September 9, 2024 through October 24, 2024.

Background:

This report is the method of informing the City of Delray Beach ("City") City Commission of actions taken on site plan applications either by a City board or by the Development Services Director via administrative approval, which may be appealed by the City Commission, pursuant to Land Development Regulations (LDR) Section 2.1.3(F), Appealable Reports of Board Actions, and Section 2.4.10(A)(5)(b-c), Site Plan Applications. Administratively approved site plan applications are limited to fully code compliant Level 2 applications.

A staff report, along with associated exhibits and/or plans, provides a thorough description and analysis of each request. Items that appeared on a board's agenda that are not listed below were not acted on by the board (i.e. continued with direction) or received a recommendation to the City Commission for final action.

Planning and Zoning Board

Meeting Date: October 21, 2024 (Mitch Katz and Jeff Meiselman absent)

1. Delray Ford, 2501 South Federal Highway (2022-242)

Request: Level 3 Site Plan Modification, including a Landscape Plan, Architectural Elevations and Waiver, for Delray Ford to expand the dealership through the construction of a 4-story building with three floors of parking garage connected by a flyover on the second through fourth floors to the existing structure.

Public Comment: No public comments.

Board Comment: The Board was generally supportive of the request but raised concerns regarding the waiver request to not provide the four required shower facilities. The shower facilities are required to support employees who may walk or bike to work and is based on the total square footage. The applicant agreed to provide one shower.

Board Action: Approved 5-0, with the condition that one shower facility be provided.

2. Gunite Yard, 135 N Congress Avenue (2024-232)

Request: A Determination of Similarity of Use to determine that the operation of a gunite yard is similar to Manufacturing and Wholesale of products using ceramic and plaster material within the Mixed Industrial and Commercial (MIC) zoning district.

Public Comment: No public comments.

Board Comment: Some Board Members were concerned over the potential consequences of establishing the use as a main permitted use in the MIC district, and that this use should instead be considered for an LDR amendment to establish it as a conditional use so that each potential location for a gunite yard could be considered and evaluated on a case-by-case basis; however, after lengthy discussion the determination was approved by a vote of 4-1. There was discussion as to whether the operation of a gunite yard was more similar to manufacturing and wholesale of a concrete product, given that there appear to be similarities to the process; Staff had previously determined that the use was considered concrete products manufacturing, or, instead, if the use is more similar to wholesale of plaster which the Applicant contends. Some Board Members stated that it was more similar to concrete manufacturing, others concluded that it was, in fact, similar to the wholesale of a plaster product. Wholesale and Manufacturing of a product in the MIC district must occur indoors and there was acknowledgment from the Applicant and Board that any use would be subject to site plan approval and would be required to comply with the development standards of the MIC district.

Board Action: Approved 4-1

Historic Preservation Board

Meeting Date: October 16, 2024 (Peter Dwyer, Vlad Dumitrescu, and John Brewer absent)

1. 202 N. Swinton Avenue, Old School Square Historic District (2024-192)

Request: Certificate of Appropriateness, Level 1 Site Plan Modification, Demolition, and Variance associated with an after-the-fact demolition of a commercial, contributing structure.

Public Comment: One public comment in support of the project.

Board Comment: The Board was generally supportive of the request; there was a minor concern about a roof pop up for a window that was no longer proposed.

Board Action: Approved 4-0. with the condition that the window on the south elevation of the accessory structure remains on the plans.