

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

MEETING DATE: October 21, 2024

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; Chris Brown, Judy Mollica, and Dedrick Straghn

Members Absent: Mitch Katz, 2nd Vice Chair and Jeffrey Meiselman

Staff Present: William Bennett, Assistant City Attorney; Rebekah Dasari, Principal Planner; Rafik Ibrahim, Principal Planner; Grisel Rodriguez, Senior Planner; Susie Rodrigues, Senior Planner; Julian Gdaniec, Senior Planner; Diane Miller, Board Secretary.

3. APPROVAL OF AGENDA

Motion to APPROVE the agenda of October 21, 2024, meeting was made by Alison Thomas and seconded by Judy Mollica.

MOTION CARRIED 5-0

5. MINUTES

Motion to APPROVE the minutes of June 17, 2024, meeting was made by Judy Mollica and seconded by Alison Thomas.

MOTION CARRIED 5-0

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. Land Use Map Amendment (2024-108) and Rezoning (2024-107): Provide a recommendation to the City Commission on privately initiated requests for the 9.34 acre property addressed at 3900 Sherwood Boulevard: Ordinance No. 32-24, to amend 1.07 acres of the Land Use Map from Community Facility (CF) to Low Density (LD); and, Ordinance No. 33-24, to rezone the entire 9.34-acre property from 1.07 acres of Community Facilities (CF) zoning and 8.27 acres ranged from R-1-AA to R-1-A. Authorized Agent: Edwin C. Muller III, AICP, CNU-A, CS; emuller@insitestudio.com
Planner: Grisel Rodriguez; rodriguezg@mydelraybeach.com

Grisel Rodriguez, Senior Planner, entered File No. 2024-108 and 2024-107 into the record.

Exparte Communication

Chris Brown-None.
Dedrick Straghn-None.
Gregory Snyder-Talked to staff.
Alison Thomas-None.
Judy Mollica-None.

Applicant Presentation

Christina Bilenki, Miskel, Backman, LLP

Staff Presentation

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

Public Comments

Lynne Freeman, 3225 Lakeview Drive – Ms. Freeman talked about the incompatibility of the project for this area.

Scott Hayward, 3514 Lakeview Blvd.-Agreed with the Land Use change, but expressed concern with the Zoning change and wanted to know why PRD zoning was not proposed. Also expressed concern with the traffic, and asked why the traffic is not moved away from Lakeview and re-directed to Sutton Place.

Karen Kicelewski, 3671 Lakeview Drive – Commented that she would be more comfortable with R1-AA to lower the traffic.

Nicholas Koppola, 3930 Lawson Blvd.- Spoke as the Treasurer of the Sherwood Park Civic Association and he serves on the City of Delray Beach Code Enforcement Board. Mr. Koppola said that he wanted to thank the Planning and Zoning Board for historically preserving the character of this community. We also want to thank the Toll Brothers for their cooperation and for being very transparent with what is best for Sherwood Park.

Jaime Restrepo, 3601 Lakeview Blvd.-Is a resident of the community and has participated

in all the conversations about what the plans for the monastery property, and thanks all that have supported the project as proposed.

Rebuttal/Cross Examination

Christine Bilenki commented that the applicant will prepare a plan for construction traffic to take into consideration the community and their needs. Before anything begins traffic, the plan will need to be submitted to the Building Department. Also, a PRD zoning was considered in the beginning but after conversation with staff, the applicant decided that the requested zoning would be the best way to proceed.

Rebekah Dasari clarified that 4 applications have been currently submitted by the applicant. Only the Land Use and Rezoning are under consideration at this meeting; a major plat and a Site Plan for the common area.

Board Comments

Judy Mollica-No Comments

Dedrick Straghn-No Comments

Chris Brown-Asked what the difference is in the number of units that could be built in R-1-AA as opposed to R-1-A. Ms. Bilenki responded that with either zoning district, the density is restricted by the land use, but the maximum number of units under R-1-A zoning is 46 units.

Alison Thomas-Asks if the existing 5 existing lots are included in the 26 houses that are proposed as part of the plat. Staff stated that they are not.

Greg Snyder-Commented it was a good idea for the developer to interact with the surrounding communities before they brought their request to the board.

MOTION

Move to a recommendation of approval of Ordinance No. 32-24, a privately initiated request to amend the land use map from Community Facility (CF) to Low Density (LD) for the property located at 3900 Sherwood Boulevard, finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations made by Alison Thomas and seconded by Judy Mollica.

MOTION CARRIED 5-0

Move to a recommendation of approval of Ordinance No. 33-24, a privately initiated request to rezone 3900 Sherwood Boulevard from Community Facilities (CF) and Single Family Residential (R-1-AA), to Single-Family Residential R-1-A, finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations Made by Alison Thomas and seconded by July Mollica.

MOTION CARRIED 5-0

B. Abandonment of the Right of Public Access (2024-128): Provide a recommendation to the City Commission on Resolution No. 207-24, abandoning the right of public access to Open Space Tracts 3, 4, 5, 10, 12, and 13 of the Plat of Old Palm Grove recorded in Plat Book 99, Pages 63-67 of the Public Records of Palm Beach County.

Applicant / Property Owner: Old Palm Grove Homeowners Association, Inc.

Agent: Andrea M. Keiser, Keiser Legal, PLLC , andrea@keiserlegal.com

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

Staff said that the applicant has asked for postponement to a date certain of November 18, 2024.

William Bennett, Asst. City Attorney explained that the item will need to be open to the board and allow Public Comment. Anyone speaking at this meeting for Public Comment will not be allowed to speak at the meeting of November 18, 2024.

Public Comments

Lane Carlee-734 S Lake Avenue-I was the secretary of the HOA and I asked the CRA for help. They gave us the sidewalk in our community to get to the beach, they gave us the park.

Rebuttal/Cross Examination

None.

MOTION to postpone Item 8.B to November 17, 2024, regular Planning and Zoning Board Meeting made by Alison Thomas and seconded by Chris Brown

Motion Carried 5-0

Board Break 6:10p

Resumed 6:15pm

C. 314 NE 3rd Avenue (2024-081): Provide a recommendation to the City Commission on a Level Four Site Plan, including a Landscape Plan, Architectural Elevations, and a Landscape Waiver, to construct a mixed-use development with an office on the ground story and a residential unit on the second story located on 314 NE 3rd Avenue.

Address: 314 NE 3rd Avenue PCN: 12-43-46-16-01-081-0170

Property Owner: Ocean Parker Delray, LLC; nick.malinosky@elliman.com

Authorized Agent: Jeffrey A. Costello, AICP, FRA-RA; jcostello@jcplanningsolutions.com

Project Planner: Susie Rodrigues, Senior Planner; rodrigueess@mydelraybeach.com

Commented [RD1]: No hyperlinks.

Susie Rodrigues, Senior Planner, entered File No. 2024-081 into the record.

Exparte Communication

Chris Brown-None.

Dedrick Straghn-None.

Gregory Snyder-Visited the site.

Alison Thomas-None.

Judy Mollica-Visited the site.

Applicant Presentation

Jeff Costello, JC Planning Solutions

Staff Presentation

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

Public Comments

None.

Rebuttal/Cross Examination

None.

Board Comments

Judy Mollica-Asks for explanation of the landscape waiver. Mr. Costello said that they were using the same configuration required by the CBD, but the building is a zero-lot line so they could not provide the landscape design on the property. There are also overhead FPL lines so only certain trees can be used.

Dedrick Staghn-No Comments.

Chris Brown-No Comments.

Alison Thomas-The landscaping is well-executed; does not see any issues with the requested landscape waiver.

Greg Snyder-Commented that the building's architecture looks like Stark Modernism.

MOTION

Move to recommend approval to the City Commission of the Level 4 Site Plan, including a Landscape Plan, Architectural Elevations, and a Landscape Waiver, to construct a mixed-use development with an office on the ground floor and a residential unit on the second story is located on 314 NE 3rd Avenue, by finding that the request meets the criteria set forth in the Land Development Regulations made by Judy Mollica and seconded by Alison Thomas.

MOTION CARRIED 5-0

D. Delray Ford (2022-242): Consideration of a 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.

Address: 2501 South Florida Highway

PCN: 12-43-46-28-07-022-0120

Property Owner: Grieco Motors LLC

Authorized Agent: Michael Weiner; mweiner@ssclawfirm.com

Project Planner: Susie Rodrigues, Senior Planner; rodriguess@mydelraybeach.com

Susie Rodrigues, Senior Planner, entered File No. 2022-242 into the record.

Exparte Communication

Chris Brown-Talked to Michael Weiner.
Dedrick Straghn-Talked to Michael Weiner.
Gregory Snyder-Talked to Michael Weiner.
Alison Thomas-Talked to Michael Weiner.
Judy Mollica-Talked to Michael Weiner.

Applicant Presentation

Michael Weiner, SSC Law Firm, Boca Raton, Florida

Staff Presentation

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

Public Comments

None.

Rebuttal/Cross Examination

Mr. Weiner restates the compatibility of the project with the existing buildings.

Board Comments

Alison Thomas commented that the proposed changes are good.
Chris Brown says that the proposed modification results in a better building.
Dedrick Straghn notes that the staff report says parts of the proposal did not adhere to the LDR, and asks if changes have been made. Rafik Ibrahim, Principal Planner, explained the performance standards and how they were rectified.
Judy Mollica asked about the requested waiver to the on-site shower requirement. Susie Rodriguez explained the requirement for showers as part of site plans over a certain threshold, as part of bicycle facilities.
Gregory Snyder said that showers are for convience for employees to be able to shower after bicycling to work. Asks if they can provide one shower.
Mr. Weiner says that the applicant agrees to provide one shower in Building B.

MOTION

Move to approve as **amended** wavier of three of the required four showers, in the Level 3 Site Plan Modification for Delray Ford, located at 2501 South Federal Highway, including a Landscape Plan, Architectural Elevations and Waiver, to expand the dealership with the construction of a 4-story building with three floors of parking garage connected by a flyover on the second through fourth floor to the existing structure, by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations made by Judy Mollica and seconded by Alison Thomas.

MOTION CARRIED 5-0

9. LEGISLATIVE ITEMS

A. 135 N. Congress Avenue - Gunite Yard (2024-232): Consideration of an Application for 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.

Address: 135 N. Congress Avenue

PCN: 12-43-46-18-53-000-0020

Applicant / Property Owner: Calabash Gunite, Inc. / Platinum RE Hldg, Inc.

Agent: Neil M. Schiller, Esq.; nschiller@govlawgroup.com

Planner: Julian Gdaniec, Senior Planner; gdaniecj@mydelraybeach.com

Julian Gdaniec, Senior Planner, entered File No. 2024-232 into the record.

Exparte Communication

No Exparte Communication noted.

Applicant Presentation

Neil Schiller, Government Law Group

Staff Presentation

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

Public Comments

None.

Rebuttal/Cross Examination

None.

Board Comments

Alison Thomas asks when the company began operations, and if the business knew that the use was not allowed in the zoning district. Mr. Reardon, business owner, says that the applicant started operations at this location in September 2023.

Rebekah Dasari says that for Mr. Reardon to proceed in running his business, one of the following three options are available to him in the LDR:

1. The Board could approve the similarity of use request, if they determine that the business is similar to the manufacturing and wholesale of products using ceramic and plaster material use, which is a use within MIC zoning.
2. The applicant could request an amendment to the LDR to add gunite yards as a principal or conditional use.
3. A rezoning and land use amendment to a zoning district where the use is allowed.

Chris Brown says that the gunite yard is similar to the manufacturing and wholesale of products using ceramic and plaster material use.

Judy Mollica says she thinks a gunite yard is similar to the manufacturing and wholesale of products using ceramic and plaster material use.

Gregory Snyder is concerned that if the similarity of use request is approved, it would

open the district to other gunite operations. He would support an LDR amendment to establish gunite as a conditional use.

Dedrick Straghn says that he feels that and LDR amendment may be appropriate.

MOTION

Move to approval of the Determination of Similarity of Use finding that the operation of a gunite yard is similar to Manufacturing and Wholesale of products using ceramic and plaster material, as listed as an allowed use in the MIC zoning district, and is in keeping with the stated purpose of the district made by Alison Thomas and seconded by Chris Brown.

MOTION CARRIED 4-1

11. REPORTS AND COMMENTS

A. CITY STAFF

A calendar of meetings for 2025 was handed out. The next meetings will be held on November 18 and December 16.

B. BOARD ATTORNEY

Mr. Bennett reminded the board to ensure they have access to their City email accounts; City email is the only address City staff will use to correspond with the Board. Additionally, several forms that were emailed to the Board at the official emails that must be completed. that the City email is the only way of communication for information that we need to get to you.

C. BOARD MEMBERS

Mr. Straghn said that he is happy to be serving on the Board.

12. ADJOURN

There being no further business to come before the Board, the meeting was adjourned at 8:30pm.

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 **October 21, 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.