

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

MEETING DATE: May 20, 2024

MEETING PLACE: City Commission Chambers

1. CALL TO ORDER

This meeting was called to order by Christina Morrison, Chair at 5:01 pm.

2. ROLL CALL

A quorum was present at call to order.

Members Present: Christina Morrison, Chair; Gregory Snyder, 2nd Vice Chair; Chris Brown, Judy Mollica and Morris Carstarphen

Members Absent: Aaron Savitch and Alison Thomas

Staff Present: William Bennett, Assistant City Attorney; Rebekah Dasari, Principal Planner; Julian Gdaniec, Senior Planner; Michelle Hewett, Planner; Susana Rodrigues, Planner; Jason Kaufman, Engineering Division Manager and Diane Miller, Board Secretary.

3. APPROVAL OF AGENDA

Motion to APPROVE the agenda of the May 20, 2024, meeting was made by Chris Brown and seconded by Gregory Snyder.

MOTION CARRIED 5-0

4. MINUTES

Motion to APPROVE the minutes of the April 15, 2024, meeting was made by Morris Carstarphen and seconded by Gregory Snyder.

MOTION CARRIED 5-0

5. SWEARING IN OF THE PUBLIC

Christina Morrison, 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

City's Annual Infrastructure Improvement Hearing: Review the public comments

collected during the Annual Infrastructure Improvement Hearing process since April 15, 2024 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

Public Comments

Montre Bennett, a resident of 323 NW 2nd Avenue, presented several suggestions for improvements, brought forward on behalf of the Set Neighborhood Alliance.

Board Comments

Judy Mollica highlighted the inadequate drainage at the intersection of NW 3rd Avenue between NW 2nd Street and NW 3rd Street. She also emphasized the need for additional street lighting in the area.

Morris Carstarphen asked the staff how it is determined which items are included in or removed from the Capital Improvement Plan. Mr. Kaufman explained that City staff and the City Commission collaboratively determine the projects included in the plan.

Christina Morrison raised concerns about traffic safety on Atlantic Avenue near the Intracoastal Bridge. Staff noted that this portion of the road is owned by the Florida Department of Transportation (FDOT). Mr. Kaufman mentioned that the staff has been in contact with FDOT to implement measures for improving pedestrian safety.

8. QUASI-JUDICIAL HEARING ITEMS

A. 354 SE 5th Avenue (2024-048): Provide a recommendation to the City Commission regarding a Major Subdivision Plat, "354 SE 5th Townhomes", a replat of Lots 7 through 10, Block 104, Osceola Park, to establish eight fee-simple lots affiliated with a previously approved residential townhome development.

Address: 354 SE 5th Avenue

PCN: 12-43-46-21-01-104-0070

Applicant / Property Owner: Delport Limited Partnership

Agent: Michael Weiner, Esq. Sachs Saks Caplan, P.L.; mweiner@ssclawfirm.com

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

Julian Gdaniec, Senior Planner, entered File No. 2024-048 into the record.

Exparte Communication

Chris Brown- None.

Gregory Snyder- Visited the site.

Morris Carstarphen- Visited the site.

Christina Morrison- Familiar with the site.

Judy Mollica- None.

Applicant Presentation

Michael Weiner, Esq. Sachs Saks Caplan, P.L; 6111 Broken Sound Parkway, Boca Raton, FL 33487

Staff Presentation

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

Public Comments

None.

Rebuttal/Cross

None.

Board Comments

Judy Mollica was in favor of making a recommendation of approval for the Plat known as 354 SE 5th Townhomes”.

Christina Morrison confirmed that a Homeowners Association will be established to maintain the common areas, including the park. She also noted that a four-foot alley dedication was made to extend the alleyway to 20 feet wide.

MOTION to recommend approval to the City Commission for the certification of the Major Subdivision Plat, “354 SE 5th Ave Townhomes”, associated with the creation of eight fee-simple lots on the property currently addressed 354 SE 5th Avenue, finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations, was made by Gregory Snyder and seconded by Judy Mollica.

MOTION CARRIED 5-0

B. Abandonment of Right-of-Way Bisecting 2001 South Federal Highway (2024-052): Provide a recommendation to the City Commission regarding a privately initiated request to abandon a 20-foot-wide portion of City-owned Right-of-Way bisecting 2001 South Federal Highway, totaling approximately 5,302 square feet in area.

Agent: Michael Weiner, Sachs Sax Caplan PL; mweiner@ssclawfirm.com

Planner: Susana Rodrigues, Planner, rodrigues@mydelraybeach.com

Susana Rodrigues, Planner, entered File No. 2024-052 into the record.

Exparte Communication

Chris Brown- None.

Gregory Snyder- Visited the site.

Morris Carstarphen- None.

Christina Morrison- Has conducted work with the applicant at other locations.

Judy Mollica- None.

Applicant Presentation

Michael Weiner, Sachs Sax Caplan, PL; 6111 Broken Sound Parkway Suite 200, Boca Raton, FL 33487

Staff Presentation

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

Public Comments

None.

Rebuttal/Cross

None.

Board Comments

Gregory Snyder and Judy Mollica asked if there were utilities located within the right of way and whether a Utility Easement would be dedicated if necessary. Staff noted that a General Utility Easement will be recorded.

Chris Brown praised the staff for the quality of their report.

Christina Morrison asked if the property owner would be responsible for the maintenance of the Right-of-Way if abandoned. The applicant confirmed their responsibility for its maintenance. Ms. Morrison then inquired if a Unity of Title would be filed to incorporate the abandoned right of way. Staff indicated that a Plat Exemption had been submitted to incorporate the abandoned right of way.

MOTION to move a recommendation of approval to the City Commission regarding a privately initiated request to abandon a 20-foot-wide portion of City-owned Right-of-Way bisecting 2001 South Federal Highway totaling approximately 5,302 square feet, by adopting the findings of fact and law contained in the staff report and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Section 2.4.9(B)(6) of the Land Development Regulations, was made by Judy Mollica and seconded by Gregory Snyder.

MOTION CARRIED 5-0

C. Mazda (2022-248): Consideration of a Level 3 Site Plan Modification for Delray Mazda including the expansion and reconfiguration of the service bays, reduction of the showroom area in Building 1, expansion of the second-floor parts area, reconfiguration of the customer showroom entrances, and addition of pavers in front of Building 1, and five landscape waivers associated with the landscape plan.

PCN: 12-43-46-28-06-002-0150

Property Owner: MDR Motors LLC; mgrieco@griecoag.com

Authorized Agent: Michael Weiner, Esq. Sachs Sax Caplan PL;
mweiner@ssclawfirm.com

Planner: Susana Rodrigues; rodriguess@mydelraybeach.com

Susana Rodrigues, Planner, entered File No. 2022-248 into the record.

Exparte Communication

Chris Brown- None.

Gregory Snyder- Visited the site.

Morris Carstarphen- None.

Christina Morrison- Has done work with the applicant at other locations.

Judy Mollica- None.

Applicant Presentation

Michael Weiner, Sachs Sax Caplan, PL; 6111 Broken Sound Parkway Suite 200, Boca Raton, FL 33487

Greg Molina; GBM Architecture PA, 330 Himmarshee Street, Fort Lauderdale, FL 33312

Staff Presentation

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

Public Comments

None.

Rebuttal/Cross

Michael Weiner clarified that the size of the existing building within the abandoned Right of Way would not be expanded. He noted that the areas within the site that prompted the requested landscape waivers are not visible from the public Right of Way, and modifying these areas to meet current code requirements would result in a significant loss of parking spaces.

Board Comments

Judy Mollica requested clarification regarding the number of parking spaces and how they would be impacted if the waivers were not granted. Mr. Weiner explained that the limited number of parking spaces would decrease if additional landscaping were provided, he noted that the percentage of open space increased from 4.1% to 4.5%.

Gregory Snyder confirmed that the requested waivers only pertained to existing nonconformities.

Christina Morrison asked the applicant how the proposed structure would impact the adjacent residential community to the east. The applicant indicated that the current configuration of the dealership had not changed and that the open space had increased by 0.3% with the proposed changes. Ms. Morrison noted that she thought the proposed changes would improve the existing conditions at the dealership.

MOTION to move to approve the Level 3 Site Plan Modification for Delray Mazda, located at 2001 South Federal Highway, including the expansion and reconfiguration of the service bays, reduction of the showroom area in Building 1, expansion of the second-floor parts area, reconfiguration of the customer showroom entrances, addition of pavers in front of Building 1, and the five requested landscape waivers, by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations, was made by Gregory Snyder and seconded by Chris Brown.

MOTION CARRIED 5-0

D. Land Use Map Amendment (2024-098), and Rezoning (2024-097): Provide a recommendation to the City Commission on Ordinance No. 16-24, a privately-initiated request for a Land Use Map Amendment (LUMA) from Community Facilities (CF) to Low Density (LD) for a 0.5021-acre property, and Ordinance No. 17-24, a privately initiated rezoning request from Community Facilities (CF) to Single Family Residential (R-1-AA) for a 0.5021-acre property located at 200 SE 7th Avenue within the Marina Historic District.

Agent: Jeffrey Costello; jcostello@jcplanningsolutions.com

Planner: Michelle Hewett, hewettm@mydelraybeach.com; Rebekah Dasari, dasarir@mydelraybeach.com

Michelle Hewett, Planner, entered File Numbers 2024-098 and 2024-097 into the record.

Exparte Communication

Chris Brown- Visited the site and spoke with Jeff Costello.

Gregory Snyder- Visited the site.

Morris Carstarphen- Spoke with Jeff Costello.

Christina Morrison- Familiar with the Site and spoke with Jeff Costello.

Judy Mollica- None.

Applicant Presentation

Jeffrey Costello, JC Planning Solutions; 821 Delray Lakes Drive, Delray Beach, FL 33444

Gary Eliopoulos; GE Architecture ; 1045 E Atlantic Avenue, Delray Beach, FL 33483

Staff Presentation

Michelle Hewett, Planner, entered the project from a Microsoft PowerPoint presentation.

Public Comments

Sandy Zeller, a resident of 209 NW 12th Street and a member of the Delray Beach Preservation Trust, stated that the Preservation Trust opposed the Land Use Amendment. Mr. Zeller mentioned that the Historic Preservation Board reviewed this request at their May 1st meeting and voted 7-0 to deny. He noted that the applicant had not met the findings outlined in the City's Comprehensive Plan.

Roger Cope, a resident of 701 SE 1st Street, strongly opposed the requested Land Use Amendment, arguing that it would lead to overdevelopment within the Marina Historic District. He suggested that an adaptive reuse of the structure under the current Community Facility zoning designation is most appropriate for the Marina Historic District.

Rebuttal/Cross

Rebekah Dasari pointed out that the Historic Preservation Board's recommendation of denial is independent of the findings of the Planning and Zoning Board. She reminded the Board that no development application has been submitted and that they should only consider the Land Use Amendment and rezoning request. As a contributing historic structure, any future development requests would be subject to the regulations in Section

4.5.1 of the City's Land Development Regulations, that governs historic districts and properties.

Gary Eliopoulos noted that the existing building will not be demolished and will be utilized as a single-family dwelling.

Jeffrey Costello stated that the applicant has provided competent and substantive evidence that the current zoning is not appropriate. He emphasized that reusing the existing historic structure as a single-family home will help preserve it.

Board Comments

Chris Brown asked staff if the existing structure could be demolished if the requested Land Use Amendment was approved. Staff clarified that any development requests would be reviewed by the Historic Preservation Board, given that the property is located within the Marina Historic District. Additionally, Mr. Brown inquired whether a single-family structure was permitted within the Community Facilities zoning district. Staff indicated that it was not allowable use within that zoning district. Mr. Brown expressed concern that approving the requested amendment might compromise the historic nature of the structure.

Gregory Snyder highlighted that the unanimous recommendation for denial of the requested Land Use Amendment by the Historic Preservation Board carries significant weight in their review. He emphasized that the applicant has not satisfied the elements outlined in the City's Comprehensive Plan, and he recommended denial of the request, stating that it is not consistent with the goals, objectives, and policies of the Comprehensive Plan.

Morris Carstarphen asked staff if a multifamily structure could be built within an R-1-AA zoning district. He suggested that single-family R-1-AA zoning would be more suitable for the Marina Historic District.

Judy Mollica mentioned that the structure currently located at the site was originally situated in Boca Raton and inquired about the permissible uses within the Community Facility Zoning District. Staff indicated that a zoning designation of R-1-AA would provide additional options for an adaptive reuse scenario.

Christina Morrison asked staff if the height of the existing structure exceeded the allowable building height within the R-1-AA zoning district. Staff explained that if the height exceeded the allowable limit, it would be considered a legal nonconformity. Ms. Morrison confirmed with the applicant that the facade of the structure would not be altered and that any exterior modifications would require approval from the Historic Preservation Board. She noted that rezoning to the requested single-family zoning district would likely be more suitable for the Marina Historic District.

Land Use Map Amendment

MOTION to Move a recommendation of approval to the City Commission of Ordinance No. 16-24, a privately-initiated request for a Land Use Map Amendment (LUMA) from Community Facilities (CF) to Low Density (LD) for a 0.5021-acre property located at 200 SE 7th Avenue, 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 was made by Judy Mollica and seconded by Morris Carstarphen.

MOTION CARRIED 3-2

DISSENTING: Chris Brown and Gregory Snyder

Rezoning

MOTION to move a recommendation of approval to the City Commission of Ordinance No. 17-24, a privately-initiated rezoning request from Community Facilities (CF) to Single Family Residential (R-1-AA) for a 0.5021-acre property located at 200 SE 7th Avenue, finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations, was made by Judy Mollica and seconded by Morris Carstarphen.

MOTION CARRIED 3-2

DISSENTING: Chris Brown and Gregory Snyder

9. LEGISLATIVE ITEMS

Amendment to the Land Development Regulations, Structures in Building Setbacks

(2020-169): Provide a recommendation to the City Commission on Ordinance No. 13-24, a City-initiated request to amend Section 4.3.4(H), "Setbacks," Section 4.6.15(G), "Yard Encroachment," and Appendix A, "Definitions," of the Land Development Regulations (LDR) relative to structures and design elements allowed in building setbacks.

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

NOTE: This item is continued from the March 18, 2024, agenda.

Staff Presentation

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

Rebekah Dasari summarized the proposed amendment, which divides building elements and site improvements that can encroach into building setbacks into three categories: maximum encroachment by building elements into the setback, minimum setbacks for site improvements less than 3 feet in height from the property lines, and minimum setbacks for site improvements greater than 3 feet in height from the property lines. The amendment would restrict balconies from extending more than 3 feet into the front and side setbacks; balconies would not be allowed to encroach into side interior or rear setbacks.

Board Comments

Judy Mollica asked whether artwork, sculptures, and air conditioning units could be placed within a setback. Staff confirmed that these items are allowable within setbacks.

Gregory Snyder inquired from staff about the permissible width of a bay window and suggested clarifying some of the language in section 4.3.4 (H)(5)(A).

Christina Morrison advocated against placing anything within a building setback, emphasizing the imposing size of new construction single-family homes.

MOTION to recommend approval to the City Commission of Ordinance No. 13-24, 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," and amending Appendix A "Definitions" to add a definition for "Bay Window" 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 Gregory Snyder and seconded by Judy Mollica.

MOTION CARRIED 4-1

DISSENTING Christina Morrison

10. REPORTS AND COMMENTS

A. CITY STAFF

The next meetings will be held on June 17, 2024 and July 15, 2024.

B. BOARD ATTORNEY

None.

C. BOARD MEMBERS

Gregory Snyder expressed concern about the bifurcation of the review process, highlighting the necessity for a streamlined approach to reviews.

12. ADJOURN

There being no further business to come before the Board, the meeting was adjourned at 7:15 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 **May 20, 2024**, which were formally adopted and **APPROVED** by the Board on **July 15, 2024**.

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.