

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

**MEETING DATE:** July 15, 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, 2<sup>nd</sup> Vice Chair; Alison Thomas, Vice Chair, Chris Brown, Aaron Savitch, Judy Mollica and Morris Carstarphen

**Members Absent:** None.

**Staff Present:** William Bennett, Assistant City Attorney; Rebekah Dasari, Principal Planner; Rafik Ibrahim, Principal Planner; Julian Gdaniec, Senior Planner; Susana Rodriques, Planner; Diane Miller, Board Secretary.

**3. APPROVAL OF AGENDA**

Motion to APPROVE the agenda of the July 15, 2024, meeting was made by Alison Thomas and seconded by Morris Carstarphen.

**MOTION CARRIED 7-0**

**4. MINUTES**

Motion to APPROVE the minutes of the May 20, 2024, meeting was made by Gregory Snyder and seconded by Alison Thomas.

**MOTION CARRIED 7-0**

**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**

None.

**8. QUASI-JUDICIAL HEARING ITEMS**

**A. The Tropics of Delray (2024-030 and 2024-031):** Provide a recommendation to the City Commission for a Level 4 Site Plan Application (including a Landscape Plan, Architectural Elevations, Waivers, and an Internal Adjustment), to construct a 34-unit multi-family condominium development with a mix of three- and four-story buildings; and a Conditional Use to allow free standing multi-family development in the General Commercial (GC) zoning district.

**Address:** 2400 - 2410 N. Federal Highway

**PCN:** 12-43-46-04-30-000-0020 & 12-43-46-04-08-000-0090

**Applicant / Property Owner:** Federal 2400 LLC & 2410 Federal LLC

**Agent:** Jeff Costello, J.C Planning Solutions; jcostello@jcplanningsolutions.com

**Planner:** Julian Gdaniec, Senior Planner; gdaniecj@mydelraybeach.com  
Susana Rodrigues, Planner; rodriguess@mydelraybeach.com

Julian Gdaniec, Senior Planner, entered File No. 2024-030 and File No. 2024-031 into the record.

**Exparte Communication**

- Chris Brown-Spoke to Mr. Costello
- Gregory Snyder-Visited Site
- Alison Thomas-Spoke to Mr. Costello/Visited Site
- Aaron Savitch-Spoke to Mr. Costello
- Morris Carstarphen-Spoke to Mr. Costello
- Christina Morrison-Spoke to Mr. Costello/Visited Site
- Judy Mollica-None

**Applicant Presentation**

- Jeff Costello, J.C Planning Solutions
- Gary Eliopoulos, GE Architecture, Inc.

**Staff Presentation**

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

**Public Comments**

None.

**Rebuttal/Cross**

Mr. Costello clarified that there are an additional 8 on-street parking spaces provided along Federal Hwy. He also stated that the decision to omit 1-bedroom and 2-bedroom unit types is because the project is intended to be developed as a for-purchase/ownership product, whereas, in their opinion, small units are more appropriate for rental products located in the downtown area. He also stated that procedures for loading will be established through the condo documents, and that loading is a short term and infrequent occurrence, so the omission of a loading zone is justified. He stated that in single family and townhouse developments it is typical for residents to load and unload directly in front of their property in the drive-aisle.

Mr. Gdaniec responded by clarifying that while the design of the development in terms of the configuration of individual garages and driveways resembles a typical townhouse or single family project, the intensity of the proposed project is significantly higher in terms of dwelling units per acre, so the comparison is not quite accurate and the loading demand for this project will be higher than a typical single family neighborhood.

**Board Comments**

Chris Brown said he likes that the project has two unit types. There is sufficient parking and the introduction of a residential use provides relief from the repetition of commercial uses along the corridor.

Judy Mollica-No Comment

Aaron Savitch-No Comment

Gregory Snyder is concerned with the lack of loading zone and anticipated traffic flow being compounded with the requested reduction of the drive aisle width. He is also concerned with stacking and the potential for traffic to back up on Federal Highway.

Alison Thomas has concerns with whether the landscaping was sufficient to screen the use and soften the mass from the perspective when traveling along Federal Highway. Mr. Costello said there are restrictions on the species and height of tree due to the presence of overhead power lines.

Morris Carstarphen asked if the requested relief to allow the 222’8” building length, would have any impact on the development ability of the adjacent property. Mr. Gdaniec said that the impact is a visual perception of a longer structure, but the building does not encroach closer to the property line than permitted and has no impact on the development rights of the adjacent property.

Christina Morrison asked why the provided stacking distance is longer on Dixie Highway than on Federal Highway. Mr. Costello explained that there is more room for stacking on Dixie Highway because of an easement. She expressed concern over the potential encroachment of vehicles into the reduced drive-aisle if they attempt to park in the driveways that do not provide sufficient length to qualify as a parking space. She raised other concerns over the traffic circulation and potential for high speeds.

Rafik Ibrahim mentioned that staff worked with applicant to introduce urban design techniques to encourage traffic calming and lower speeds. Christina Morrison complimented the inclusion of a pedestrian path through the center of the development.

**MOTION** to recommend approval to the City Commission for a Level 4 Site Plan Application (including a Landscape Plan, Architectural Elevations, Waivers, and an Internal Adjustment), to construct a 34-unit multi-family condominium development with a mix of three- and four-story buildings; and a Conditional Use to allow free standing multi-family development in the General Commercial (GC) zoning district was made by Gregory Snyder and seconded by Chris Brown.

**MOTION CARRIED 6-1**

**B. 314 NE 3rd Avenue (2024-081):** Provide a recommendation to the City Commission regarding the implementation of the Masonry Modern architectural style within the Central Business District (CBD), pursuant to LDR Section 4.4.13(F)(3)(e), Appropriate Architectural Styles.

**Address:** 314 NE 3rd Avenue

**PCN:** 12-43-46-16-01-081-0170

**Agent:** Jeff Costello, J.C Planning Solutions; jcostello@jcplanningsolutions.com

**Planner:** Susana Rodrigues, Planner, rodriguez@mydelraybeach.com

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

**Exparte Communication**

Chris Brown-None

Gregory Snyder-Visited Site

Alison Thomas-Spoke to Jeff Costello/visited site

Aaron Savitch-None

Morris Carstarphen-None

Christina Morrison-Visited Site

Judy Mollica-Office across the street

**Applicant Presentation**

Jeff Costello, J.C Planning Solutions

Benjamin Schreier, Affiniti Architect

**Staff Presentation**

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

**Public Comments**

None.

**Rebuttal/Cross**

Christina Morrison requested clarification as the applicant presented a Miami Modern Architectural Style and Staff presented Masonry Modern Architectural Style. Ms. Rodrigues clarified that the applicant had requested to utilize Masonry Modern and submitted the required documents for that style to be reviewed by the Board. The new style of Miami Modern was not formally requested and that is not the style being presented to the Board.

**Board Comments**

Gregory Snyder said that according to the LDR, there is a specific list of architectural design styles that are allowed in the CBD. Ms. Rodrigues clarified that the LDR allows applicants to introduce a new architectural style, but it must go through the same Board review process receiving recommendation from the PZB and final approval from City Commission. Mr. Snyder requested clarification of the motion if the style has been altered from the originally requested Masonry Modern.

Rafik Ibrahim said that the applicant went through three rounds of submittals for the project, and staff recommended that due to the design, the applicant should request for utilization of an alternate architectural style. Mr. Ibrahim stated that to proceed with the alternative architectural style, Miami Modern, the applicant must provide Staff with an updated narrative of the style and a revised justification style that is consistent with the new request. Mr. Snyder concurred and stated that the style presented was not Masonry Modern and the applicant should return with the request to utilize the Miami Modern style.

Chris Brown said that as the style is considered Modern, the motion should continue with Modern style and receive approval, and discussion to possibly amend the CBD Architectural Guidelines to address the Miami Modern style should be handled at a later date.

Aaron Savitch said due to the façade design, there is some confusion on the commercial component, specifically the entrance.

Judy Mollica asked what the tower element located to the rear of the building is. Mr. Costello said it is the elevator tower to access the rooftop terrace. Mr. Bennett reminded the Board that they are evaluating the architecture; the site plan will be reviewed at a later date.

Rebekah Dasari clarified that the staff consensus is that the building is well designed, but the architecture cannot be categorized as one of the permitted architectural designs categories. The proposal could be brought back to the Board as Miami Modern architecture, as presented. Because the applicant did not identify the architecture style as Miami Modern at any point with staff, they would need to submit an updated justification and project narrative.

Alison Thomas said that this architectural might not work in every neighborhood, but it is compatible with the architecture of the surrounding properties.

William Bennett clarified that an architectural design must be identified on the application and the application before the Board refers to Modern Masonry. There can be an alternative architectural style that can be presented but the application has to correctly reflect the style and the request can continue with the process for an alternative style.

Morris Carstarphen requested clarification with the metal element located on the front façade and if the review of the style would include the use of materials. Ms. Rodrigues clarified that if the applicant justifies the use of the material as an element that contributes to the proposed style, the element may be reviewed with the style.

**MOTION** to continue with direction to present the architectural style as Miami Modern made by Greg Snyder and seconded by Judy Mollica.

**MOTION CARRIED 7-0**

**C. 314 NE 3rd Avenue (2024-081):** Provide a recommendation to the City Commission on a waiver request associated with a Level 4 Site Plan for a mixed-use development, to reduce the front setback requirement from the required 10 feet to 6 feet.

**Address:** 314 NE 3rd Avenue

**PCN:** 12-43-46-16-01-081-0170

**Agent:** Jeff Costello, J.C Planning Solutions; jcostello@jcplanningsolutions.com

**Planner:** Susana Rodrigues, Planner, rodriguess@mydelraybeach.com

**MOTION** to withdraw item 8.C from the agenda was made by Judy Mollica and seconded by Gregory Snyder

**MOTION CARRIED 7-0**

**9. LEGISLATIVE ITEMS**

**Amendment to the Land Development Regulations, Fee In-Lieu of Parking**

**(2024-078):** Provide a recommendation to the City Commission on Ordinance No. 14-24, a City-initiated amendment to a City-initiated amendment to Section 2.4.11, "Relief," Section 4.4.13, "Central Business (CBD) District," and Section 4.6.9, "Off-street parking regulations" of the Land Development Regulations (LDR) to modify the fee in-lieu of parking program and to eliminate the public parking fee.

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

**Staff Presentation**

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

**Board Comments**

Judy Mollica asked if the 750 feet for garage or walkway a decrease for in-lieu. Ms. Dasari said that a quarter mile is considered a standard 5-minute walk radius, but during the comprehensive plan process in 2019, feedback was given to reduce the walk radius to 750 feet.

Christina Morrison commented that in-lieu funds have been collected by the City since 1970, and asked what the City has been doing with the money. Ms. Dasari said that it goes to Fee In-Lieu Fund, and does not know the current balance of the fund, or what fees have been used for.

Judy Mollica asked how do the proposed fees compare to the current fees. Ms. Dasari discussed the proposed change to the fee structure.

Alison Thomas asked about the public parking fee area. Ms. Dasari said it was a privately initiated way to help public/private way of building garages. However, it has never been used. It was tied to a programmed parking facility. At this time, no garages are planned in the City capital projects planning.

Chris Brown asked for an update on the balance of the in-lieu fund, and if any projects have been paid for from the fund.

**MOTION** to recommend approval to the City Commission of Ordinance No. 14-24, a City-initiated amendment to a City-initiated amendment to Section 2.4.11, "Relief," Section 4.4.13, "Central Business (CBD) District," and Section 4.6.9, "Off-street parking regulations" of the Land Development Regulations (LDR) to modify the fee in-lieu of parking program and to eliminate the public parking fee was made by Judy Mollica and seconded by Gregory Snyder.

**MOTION CARRIED 7-0**

**10. REPORTS AND COMMENTS**

**A. CITY STAFF**

The next meetings will be held on August 12, 2024 and September 17, 2024.

Mandatory Board training should be completed by July 31.

**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 **7:45 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 **July 15, 2024** which were formally adopted and APPROVED by the Board on \_\_\_\_\_.

**ATTEST:**

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**Chair**

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**Board Secretary**

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