

MINUTES
PLANNING AND ZONING BOARD
CITY OF DELRAY BEACH

MEETING DATE: August 12, 2024

MEETING PLACE: City Commission Chambers

1. CALL TO ORDER

This meeting was called to order by Christina Morrison, Chair at 5:05pm.

2. ROLL CALL

A quorum was present at call to order.

Members Present: Christina Morrison, Chair; Gregory Snyder, 2nd Vice Chair; Alison Thomas, Vice Chair, Chris Brown, Aaron Savitch, and Judy Mollica

Members Absent: Morris Carstarphen

Staff Present: William Bennett, Assistant City Attorney; Rebekah Dasari, Principal Planner; Rafik Ibrahim, Principal Planner; Alexia Howald, Senior Planner; Susana Rodrigues, Planner; Cynthia Buisson, Asst. Public Works Director, Madison Brown, Development Permit Manager; Diane Miller, Board Secretary.

3. APPROVAL OF AGENDA

Rebekah Dasari, Principal Planner requests the removal of Item 9.C as there was not a quorum at HPB, so the applicant was not at this meeting.

Motion to APPROVE the amended agenda of the August 12, 2024 made by Alison Thomas and seconded by Greg Snyder.

MOTION CARRIED 6-0

4. MINUTES

None.

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

Address: 314 NE 3rd Avenue

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

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

Authorized Agent: Jeffrey A. Costello, AICP, FRA-RA;

jcostello@jcplanningsolutions.com

Project Planner: Susana Rodrigues, Planner; rodriguess@mydelraybeach.com

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

Applicant Presentation

PowerPoint presentation by Jeff Costello, AICP, J.C. Planning Solutions; and Benjamin Schreier, AIA.

Staff Presentation

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

Public Comments

None.

Rebuttal/Cross

None.

Exparte Communication

Chris Brown-None.

Gregory Snyder-Visted the site.

Alison Thomas-None.

Aaron Savitch-None.

Christina Morrison-None; knows the site.

Judy Mollica-Knows the site.

Board Comments

Mr. Brown expressed support for the proposed design.

Mr. Snyder stated that the design is well-executed, and appropriate for Delray Beach.

Ms. Morrison, Mr. Savitch, and Ms. Mollica complimented the design.

Ms. Thomas stated that the architectural style goes well with the area.

Mr. Snyder commended Ms. Rodrigues for her analysis of the request.

MOTION to recommend approval to allow the use of a Miami Modern architectural style, pursuant to LDR Section 4.4.13(F)(3)(c), Other Architectural Styles, for the property located at 314 NE 3rd 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 Judy Mollica.

MOTION CARRIED 6-0

B. 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

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

Authorized Agent: Jeffrey A. Costello, AICP, FRA-RA;

jcostello@jcplanningsolutions.com

Project Planner: Susana Rodrigues, Planner; rodriguess@mydelraybeach.com

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

Applicant Presentation

PowerPoint presentation by Jeff Costello, AICP, J.C. Planning Solutions.

Staff Presentation

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

Exparte Communication

Chris Brown-None.

Gregory Snyder-Visted the site.

Alison Thomas-None.

Aaron Savitch-None.

Christina Morrison-None; knows the site.

Judy Mollica-Knows the site.

Public Comments

None.

Rebuttal/Cross

None.

Board Comments

Mr. Savitch expressed support for the request.

Ms. Mollica said she supports the approval, only if the relief is for the portion of the building that angles out into the setback.

Mr. Brown stated that he supports the granting of the request because it supports good architecture.

Mr. Snyder asked for clarification about the location of the requested relief. Mr. Costello highlighted the location of the requested relief.

Ms. Thomas said that she does not see any issues with the granting of the request.

Ms. Morrison asked for clarification on the height of the architectural feature encroaching into the setback. Mr. Costello clarified that the height of the feature is 28 feet. Additional discussion on the site design.

MOTION to recommend approval to the City Commission of the waiver request for 314 NE 3rd Avenue (2024-081) to reduce the front setback requirement from 10 feet to six feet, by finding that the request meets the criteria set forth in the Land Development Regulations was made by Alison Thomas and seconded by Gregory Snyder.

MOTION CARRIED 6-0

C. The Maxwell (2023-196): Provide a recommendation to the City Commission regarding the implementation of the Art Deco architectural style within the Central Business District (CBD), for a mixed-use development at 306 NE 2nd Street.

Address: 306 NE 2nd Street

PCN: 12-43-46-16-01-090-0250

Authorized Agent: Jon Kinsman; jonk@vapgroup.com

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

Susana Rodrigues, Planner; rodriguess@mydelraybeach.com

Susana Rodrigues entered File No. 2023-196 into the record.

Exparte Communication

Chris Brown-Walked by the site

Gregory Snyder-Visited the site.

Alison Thomas-None

Aaron Savitch-None

Christina Morrison-Drove by site

Judy Mollica-Drove by site.

Applicant Presentation

PowerPoint presentation by Jon Kinsman, Van Arnhem Group; and Peggy Fitzgerald, Netta Architects.

Staff Presentation

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

Public Comments

None.

Rebuttal/Cross

None.

Board Discussion

Mr. Brown-Says this is a good architectural style for the area and a good presentation.

Mr. Savitch-Says the style fits nicely into the district.

Ms. Mollica-Thinks the architecture is appropriate for this district.

Mr. Snyder-Commented that he was used to seeing round corners on art deco buildings and the staff report discusses vertical corners. Peggy Fitzgerald, Architect noted that the rounded corners are found in the cantilever's eyebrows.

Ms. Thomas commented that she likes the proposed design and the balcony feature.

Ms. Morrison said that the corners on an art deco building are usually rounded, and I only see one. Usually, Art Deco has corner windows and protruding signage, but these features are not part of this proposed style. Ms. Fitzgerald showed images of two different areas of the building that will utilize rounded protruding signage.

Ms. Morrison asked about the parking, which is not contiguous to the building. Mr. Ibrahim said that there is off street parking, and a portion of the lot across NE 2nd Street, but distance separation maximums do not apply to this site because the parking area is part of the unified site and is not provided through an off-site parking agreement.

MOTION to recommend approval to the City Commission to allow the use of the Art Deco architectural style within the Central Business District (CBD) pursuant to LDR Section 4.4.13(F)(3)(e) for the property located at 306 NE 2nd Street (2023-196), 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 Chris Brown. Brief process discussion.

MOTION CARRIED 5-1

Dissenting-Christina Morrison

D. The Maxwell (2023-196): Provide a recommendation to the City Commission on three waiver requests associated with a Level 4 Site Plan Application for a mixed-use development, 1) to reduce the streetscape dimension from the required 15 feet to 11 feet and 2 inches, 2) to reduce the front setback requirement on the corner of NE 4th Avenue and Railroad Street from the required 10 feet to 0 feet, and 3) to allow the square footage within the required front setback to be calculated towards the required Civic Open Space square footage.

Address: 306 NE 2nd Street

PCN: 12-43-46-16-01-090-0250

Property Owner: 306 NE 2nd Street LLC

Applicant: Harold Van Arnem; hva@vapgroup.com

Authorized Agent: Jon Kinsman; jonk@vapgroup.com

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

Susana Rodrigues, Planner; rodrigues@mydelraybeach.com

Susana Rodrigues, Planner entered File No. 2023-196 into the record.

Applicant Presentation

PowerPoint presentation by Christina Bilenki, Miskel, Blackman Attorneys

Judy Mollica left the meeting at 6:25pm.

Exparte Communication

Chris Brown-None.

Gregory Snyder-Visited the site.

Alison Thomas-Visited the site.

Aaron Savitch-None.

Christina Morrison-None.

Staff Presentation

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

Public Comments

None.

Rebuttal/Cross

None.

Board Discussion, Streetscape Dimension (Waiver 1)

Mr. Snyder says he does not have an issue with the reduced streetscape dimension on Railroad Street because the street functions as an alley.

Ms. Morrison asks for clarification that Railroad Street is platted as a 25-foot throughway and asked what the correct dimensions are. Ms. Howald said that the street is twenty-five feet wide, and the project requires a 15-foot right-of-way dedication, but the applicant has asked for an eleven-foot two inch dedication for the streetscape, and Railroad Street will remain at the twenty-five feet platted right of way. Ms. Howald says the proposed landscaping is only on private property.

Mr. Ibrahim provides additional clarification about the residential units accessing onto Railroad Street. Ms. Bilenki provides additional clarification regarding 11 feet 2 inches of streetscape will be provided.

Ms. Thomas expresses a safety concern with not having sidewalks the entire street .

Ms. Morrison expresses concern with people parking along the railroad and impeding access. Ms. Bilenki said that drivers cannot park there, and it would be a code violation if a driver did.

Streetscape Dimension (Waiver 1)

MOTION to recommend approval to the City Commission of the waiver request for The Maxwell (2023-196), located at 306 NE 2nd Street, to reduce the streetscape dimension from the required 15 feet to 11 feet and 2 inches, by finding that the request meets the criteria set forth in the Land Development Regulations made by Gregory Snyder and seconded by Alison Thomas.

MOTION CARRIED 4-1

Dissenting Christina Morrison

Board Discussion, Reduction of Required Front Setback (Waiver 2)

Mr. Snyder asks staff for the reason for the corner clip dedication. Ms. Howald says it is for the purpose of safe turning for vehicles.

Reduction of Required Front Setback (Waiver 2)

MOTION to recommend denial to the City Commission of the waiver request for The Maxwell (2023-196), located at 306 NE 2nd Street, to reduce the front setback requirement on the corner of NE 4th Avenue and Railroad Street from the required 10 feet to 0 feet, by finding that the request does not meet the criteria set forth in the Land Development Regulations was made by Gregory Snyder and seconded by Aaron Savitch.

MOTION TO DENY 3-2

Dissenting Chris Brown, Alison Thomas

Board Discussion, Required Open Space (Waiver 3)

Mr. Snyder asks if the purpose of the civic open space, open space, or design. Mr. Snyder notes that he does not see this as a safety issue, in the way that the setback waiver was.

Required Open Space (Waiver 3)

MOTION to recommend approval to the City Commission of the waiver request for The Maxwell (2023-196), located at 306 NE 2nd Street, to allow the square footage within the required front setback to be calculated included in the Civic Open Space required square footage, by finding that the request meets the criteria set forth in the Land Development Regulations was made by Alison Thomas and seconded by Gregory Snyder.

MOTION CARRIED 5-0

Meeting break 7:00pm

Meeting reconvened 7:08pm

9. LEGISLATIVE ITEMS

A. Capital Improvements Plan: Provide a statement of finding that the 5-Year Capital Improvement Plan for FY 2024-25 through FY 2028-29 and the FY 2024-25 Capital Improvement Budget are consistent with the Comprehensive Plan and provide a recommendation to the City Commission on Ordinance No. 26-24.

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

Cynthia Buisson, Public Works Assistant Director, fuentesc@mydelraybeach.com

Rebekah Dasari, Principal Planner entered the Capital Improvement Plan (2024-25) file into the record.

Staff Presentation

Rebekah Dasari, Principal Planner, and Cynthia Buisson, Public Works Assistant Director, presented the item from a Microsoft PowerPoint presentation.

Public Comments

None.

Board Discussion

Members of the Board made inquiries throughout the presentation by Ms. Buisson.

MOTION to provide a statement of finding that the proposed Five-Year Capital Improvement Plan for FY 2025-25 through FY 2028-29 and the FY 2024-25 Capital Improvement Budget, as set forth in Ordinance No. 26-24, are consistent with the Comprehensive Plan by Gregory Snyder and seconded by Alison Thomas.

MOTION CARRIED 5-0

B. Amendment to the Land Development Regulations, Chapter 10, “Flood Damage Control Districts and Coastal Construction” (2024-185): Provide a recommendation to the City Commission on Ordinance No. 05-24, a city-initiated amendment to the Land Development Regulations (LDR), amending Chapter 10, “Flood Damage Control Districts and Coastal Construction” for compliance with United States Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Community Rating System (CRS).

Planner: Juan Moises Cuesta, P.E., PMP, Stormwater Engineer.
cuestaj@mydelraybeach.com

Rebekah Dasari, Principal Planner entered File No. 2024-185 into the record.

Staff Presentation

Rebekah Dasari, Principal Planner, and Madison Brown, Development Permit Manager, presented the request from a Microsoft PowerPoint presentation.

Public Comments

None.

Board Discussion

Christina Morrison asked if Manufactured Homes are allowed in the city. Ms. Brown said that they are allowed with certain stipulations.

Alison Thomas asked if there were going to be any changes to the flood map. Ms. Brown said that FEMA will release map updates by December 20, 2024 with changes to Base Flood Elevation.

MOTION to recommend approval to the City Commission of Ordinance No. 05-24; amending Chapter 10 of the Land Development Regulation to comply with Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Community Rating System (CRS) requirements; finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations by Alison Thomas and seconded by Aaron Savitch.

MOTION CARRIED 5-0

C. Amendment to the Land Development Regulations, Private Parking Lots and Garages (2023-116). Provide a recommendation to the City Commission on Ordinance No. 19-24, a City-initiated amendment to LDR Section 4.3.3, “Special requirements for specific uses” of the Land Development Regulations (LDR) to adopt regulations for private parking lots and garages.

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

Agenda amended to remove Item 9.C.

10. REPORTS AND COMMENTS

A. CITY STAFF

Rebekah Dasari acknowledged Christina Morrison and Aaron Savitch for their service on this board as this is their last meeting.

The next meeting will be held on September 17, 2024.

B. BOARD ATTORNEY

None

C. BOARD MEMBERS

Gregory Snyder asked if the LDR's could be changed to add Miami Modern as one of our approved architectures in the City.

11. ADJOURN

There being no further business to come before the Board, the meeting was adjourned at 7:43pm.

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 **August 12, 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.