

**MINUTES
SITE PLAN REVIEW AND APPEARANCE BOARD
CITY OF DELRAY BEACH**

MEETING DATE: November 30, 2022

MEETING PLACE: City Commission Chambers

1. CALL TO ORDER

The meeting was called to order by Dana Adler, Chair, at 5:02 p.m.

2. ROLL CALL

A quorum was present.

Members Present: Dana Adler, Chair; Carol Perez, Vice Chair; Benjamin Baffer; Steven Cohen; Linda Purdo and Alison Thomas.

Absent: Annette Gray

Staff Present: William Bennett, Assistant City Attorney; Amy Alvarez, Principal Planner; Julian Gdaniec, Senior Planner; Jennifer Buce, Planner; and Rochelle Sinisgalli, Board Secretary.

3. APPROVAL OF AGENDA

Item 9C has been removed from the agenda by request of the Applicant.

Item 9D-The Agent is Jeffery Silberstein.

MOTION to APPROVE the November 30, 2022 agenda as amended, was made by Carol Perez and seconded by Steven Cohen.

Motion Carried 6-0

4. MINUTES

Motion to approve the October 12, 2022 minutes was made by Carol Perez and seconded by Alison Thomas.

Motion Carried 6-0

5. SWEARING IN OF THE PUBLIC

Dana Adler, Chair, read the Quasi-Judicial Rules for the City of Delray Beach and Ms. Sinisgalli swore in all who wished to give testimony.

6. COMMENTS FROM THE PUBLIC

None

7. PRESENTATIONS

None

8. CONSENT APPLICATIONS

MOTION to APPROVE the consent application, was made by Alison Thomas and seconded by Steven Cohen.

Motion Carried 6-0

9. QUASI-JUDICIAL HEARING ITEMS

A. Ocean Place Condominium (2023-009): Consideration of a material and color change to the existing building roof from a brown "S" tile to a white, flat tile for Ocean Place Condominium, located at 120 South Ocean Boulevard.

Address: 120 South Ocean Boulevard Property

Owner: Ocean Place Condominium Association, Inc.

Applicant Name: Linda Bates; batesshusad@hotmail.com

Designated Agent: Jess M. Sowards; Jess@csa-archtiects.com

Planner: Jennifer Buce; buce@mydelraybeach.com

Jennifer Buce, Planner entered Project File 2023-009 into the record.

Exparte Communications

Dana Adler-None

Linda Purdo-None

Benjamin Baffer-None

Alison Thomas-None

Steven Cohen- None

Carol Perez-None

Applicant Presentation

Abhi Kanthan, Architect; Kanthan Design Corp; 631 Potter Road, Boynton Beach FL 33435

Staff Presentation

Jennifer Buce, Planner presented the project from a Microsoft PowerPoint presentation.

Rebuttal/Cross

None

Public Comment

None

Board Comments

Linda Purdo was supportive of the proposed color and inquired about the landscaping.

Carol Perez was supportive of the proposed changes and indicated that building does not affect the adjacent shopping center as the building is a standalone structure.

Alison Thomas was supportive of the proposed color changes as the proposed color scheme matched the Marriott across the street.

Steven Cohen noted that the proposed color scheme matches many other buildings in the area.

Benjamin Baffer inquired if this item could have been placed on the consent agenda. Mr. Baffer had no concerns regarding the proposed colors as it matches the theme of the restaurant.

Dana Adler noted that the color scheme is in harmony with adjacent properties and inquired regarding the Land Development Regulation that requires that the proposed color is in keeping with the neighborhood.

MOTION to approve the color and material change to Del Fuego restaurant, located in the Waterway East Plaza at 900 East Atlantic Avenue, by finding that the request is consistent with the Land Development Regulations and the Comprehensive Plan was made by Alison Thomas and seconded by Steven Cohen.

MOTION Carried 6-0

Motion to amend the agenda to move item 9B to the last item was made by Steven Cohen and seconded by Carol Perez.

MOTION Carried 6-0

B. Lisa Building Master Sign Program (2022-252): Consider the establishment of a Master Sign Program for the property located at 47 SE 5th Avenue, associated with the multi-tenant building known as the Lisa Building.

Address: 47 SE 5th Avenue

PCN: 12-43-46-16-01-109-0091

Property Owner: 104 - 106 Delancey Realty LLC

Designated Agent: Art Signs; Melissa Weatherwax; melissa@artsignfl.com

Planner: Jennifer Buce; buce@mydelaybeach.com

Jennifer Buce, Planner, entered Project File 2022-252 into the record.

Exparte Communications

Dana Adler-None

Carol Perez-None

Linda Purdo-None

Benjamin Baffer-None

Alison Thomas-None

Steven Cohen- None

Applicant Presentation

Melissa Weatherwax, Art Signs; 3637 Asperwood Circle, Coconut Creek FL 33073

Staff Presentation

Jennifer Buce, Planner presented the project from a Microsoft PowerPoint presentation.

Rebuttal/Cross

Melissa Weatherwax asked if the approved neon tubing can be added to the master sign program.

Public Comment

None

Board Comments

Benjamin Baffer noted that the proposed signage is a significant improvement from what was presented at a previous meeting. Mr. Baffer recommended that neon tubing be implemented in future signage. Mr. Baffer was concerned that the four different fonts may not be appropriate.

Linda Purdo recommended that one font be utilized.

Carol Perez and Steven Cohen recommended that only the font Futura be utilized.

Alison Thomas was supportive of the revised design.

MOTION to move approval of the establishment of the Master Sign Program (2022-252) for the Lisa Building located at 47 SE 5th Avenue, by finding that the request meets the criteria set forth in the Land Development Regulations was made by Steven Cohen and seconded by Alison Thomas.

MOTION Carried 6-0

C. 7th Avenue Banyan (2022-092): Provide a recommendation to the City Commission for a waiver request associated with a Class V Site Plan to allow the use of the Porch frontage type, in place of the required Storefront or Arcade with Storefront frontage type, for the purpose of constructing a 16,298 square foot, three-story mixed-use building.

Address: 625, 633, and 645 West Atlantic Avenue

Applicant/Property Owner: West Atlantic Development Company, LLC Authorized

Agent: John W. Szerdi, Living Design Group Florida Architects, Inc.; (561) 578-0776; john@ldgfla.com

Planner: Alexis Rosenberg, Senior Planner; rosenberga@mydelraybeach.com

Item withdrawn by the Applicant.

D. 354 SE 5th Avenue (2022-151): Provide a recommendation to the City Commission regarding three waivers requested in association with a Class V Site Plan application for an eight-unit townhouse development.

Address: 354 SE 5th Avenue

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

Applicant/Agent: Delports Limited Partnership/Jeffrey A. Costello,
jcostello@jcplanningsolutions.com

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

Julian Gdaniec, Senior Planner, entered Project File 2022-151 into the record.

Exparte Communications

Dana Adler-None

Carol Perez-None

Linda Purdo-None

Benjamin Baffer-None

Alison Thomas-None

Steven Cohen- None

Applicant Presentation

Jeffery Silberstein, Architect; 524 NE 2nd Street, Delray Beach FL 33444

Staff Presentation

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

Rebuttal/Cross

Jeffery Silberstein noted that the applicant has exceeded the requirements set by the Land Development Regulations as the provided pedestrian walkway and curb zone far exceeds the minimum required. Regarding the pool wall heights Mr. Silberstein stated that the design was consistent with other pools that were approved historically.

Julian Gdaniec clarified that the curb zone is located in the right of way and had no relation to the Land Development Requirements for the required civic open space. Mr. Gdaniec noted that the applicant is required to provide a minimum of 254 square feet of open space and that the applicant is welcome to increase the amount of open space if so desired.

Public Comment

None

Board Comments

Civic Open Space Waiver Request-

Alison Thomas asked if the proposed architectural style is an approved architectural style within the Central Business District.

Carol Perez noted that the applicant has an opportunity to incorporate a civic space in the design. Ms. Perez asked staff regarding the requirements of an open space and was concerned that a sculpture would not be allowed in FDOT right of way.

Alison Thomas noted the importance of a civic space.

Steven Cohen noted that the civic open space requirement was enacted for a specific reason and felt that a civic open space could be incorporated into the design.

Benjamin Baffer said he is generally not supportive of granting a waiver unless there is a compelling reason and did not find that the applicant provided a compelling justification for a waiver request.

Linda Purdo noted that changes to the proposed architectural design will be required to incorporate a civic open space. Ms. Purdo noted that even if an open space is not actively utilized it still provides a visual effect of reducing the massing of the structure.

Dana Adler noted the importance of a civic open space and requested clarification from staff regarding the setback requirements.

MOTION to move a recommendation of approval to the City Commission for the waiver request to LDR Section 4.4.13(G)(1)(b), requesting to provide no civic open space within the subject property whereas a 254 sq. ft. Public Art Civic Open Space is required, associated with a Class V Site Plan application (2022-151) for the property located at 354 SE 5th Avenue, by finding that the request meets the criteria in LDR Sections 2.4.7(B)(5) and 4.4.13(K)(5)(b)(2) was made by Alison Thomas and seconded by Steven Cohen.

Dissenting Benjamin Baffer, Alison Thomas, Steven Cohen, Linda Purdo, Carol Perez, and Dana Adler.

MOTION Failed 6-0

MOTION to move a recommendation of denial to the City Commission for the waiver request to LDR Section 4.4.13(G)(1)(b) requesting to provide no civic open space within the subject property whereas a 254 sq. ft. Public Art Civic Open Space is required to be programed as civic open space, associated with a Class V Site Plan application (2022-151) for the property located at 354 SE 5th Avenue, by finding that the request does not meet the criteria in LDR Sections 2.4.7(B)(5) and 4.4.13(K)(5)(b)(2) was made by Alison Thomas and seconded by Steven Cohen.

MOTION CARRIED 6-0

Architectural Standards, Façade Composition Waiver Request-

Steven Cohen disagreed with the staff report which indicated that the façade proportion ratio is 5:1 as the building is divided vertically.

Benjamin Baffer did not find a compelling justification to grant a waiver.

Linda Purdo was concerned about approving the waiver as the Applicant can provide a different architectural design after the waiver is granted.

Dana Adler opposed the waiver request and recommended that the Applicant revise the architectural design that complies with the City's Land Development Regulations.

MOTION to move a recommendation of denial to the City Commission for the waiver request to LDR Section 4.4.13(F)(2)(a)(1) requesting a design be approved that provides a façade composition and building articulation that differs from the accepted maximum façade proportion height-to-width ratios of 3:1 or 1:3, instead proposing a façade proportion ratio of 5:1, associated with a Class V Site Plan application (2022-151) for the property located at 354 SE 5th Avenue, by finding that the request does not meet the criteria in LDR Sections 2.4.7(B)(5) and 4.4.13(K)(5)(b)(2) was made by Benjamin Baffer and seconded by Carol Perez.

DISSENTING Alison Thomas, Steven Cohen, Linda Purdo
MOTION FAILED 3-3

MOTION to convey to the City Commission that the Site Plan Review and Appearance Board tied 3-3 on a recommendation of denial was made by Steven Cohen and seconded by Linda Purdo.

MOTION CARRIED 6-0

Supplemental Use Standards, Swimming Pools on Rooftops Waiver Request-

Steven Cohen noted that Land Development Regulation mandating a 5-foot setback was enacted for specific purpose and opposed the request waiver.

Benjamin Baffer was concerned that granting the waiver may create a safety concern. Mr. Baffer requested clarification if a waiver is project specific or runs with the land.

Linda Purdo was supportive of recommending the waiver as the pool design is architecturally significant.

Carol Perez noted that the Florida Building code will dictate as to the requirements regarding an installation of a pool. Ms. Perez asked staff the intent of the 5-foot Land Development requirement.

Alison Thomas was concerned about the safety of the proposed pool if the waiver was granted.

Dana Adler requested clarification from staff if this roof top pool requirement was required in all zoning districts.

MOTION to move a recommendation of approval to the City Commission of the waiver request to LDR Section 4.4.13(C)(4)(h)4. c. requesting to provide no setback from the edge of roof deck on the sides and rear of each pool, whereas a minimum five-foot wide setback is required to surround rooftop pools on all sides, associated with a Class V Site Plan application (2022-151) for the property located at 354 SE 5th Avenue, by finding that the request meets the criteria in LDR Sections 2.4.7(B)(5) and 4.4.13(K)(5)(b)(2) was made by Carol Perez and seconded by Linda Purdo.

DISSENTING Benjamin Baffer, Alison Thomas, Steven Cohen, Linda Purdo and Dana Adler

MOTION FAILED 1-5

MOTION to move a recommendation of denial to the City Commission of the waiver request to LDR Section 4.4.13(C)(4)(h)(4)(c) requesting to provide no setback from the edge of roof deck on the sides and rear of each pool, whereas a minimum five-foot wide setback is required to surround rooftop pools on all sides, associated with a Class V Site Plan application (2022-151) for the property located at 354 SE 5th Avenue, by finding that the request does not meet the criteria in LDR Sections 2.4.7(B)(5) and 4.4.13(K)(5)(b)(2) was made by Steven Cohen and Benjamin Baffer.

MOTION CARRIED 5-1

DISSENTING Carol Perez

10. Reports and Comments

A. City Staff

Next meetings will be held on December 14, 2022, and January 25, 2023.

B. Board Attorney

William Bennett welcomed the new Planner in Training, Rogelio Perez.

C. Board Members

None

11. ADJOURN.

There being no further business to come before the Board, the meeting was adjourned at 7:08 p.m.

The undersigned is the Board Clerk of the Site Plan Review & Appearance Board and the information provided herein is the Minutes of the meeting of said body for **November 30, 2022**, 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 Site Plan Review and Appearance Board. They will become official minutes only after review and approval, which may involve some amendments, additions, or deletions.