

City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

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www.mydelraybeach.com



Regular Commission Meeting

Regular Meeting at 4:00 PM

Tuesday, November 10, 2020

Commission Chambers
Delray Beach City Hall

City Commission

Mayor Shelly Petrolia

Vice Mayor Ryan Boylston

Deputy Vice Mayor Shirley Ervin Johnson

Commissioner Adam Frankel

Commissioner Juli Casale

RULES FOR PUBLIC PARTICIPATION

PUBLIC COMMENT: City Commission meetings are business meetings and the right to limit discussion rests with the Commission. **Generally, remarks by an individual will be limited to three minutes or less.** The Mayor, presiding officer or a consensus of the City Commission has discretion to adjust the amount of time allocated.

Public comment shall be allowed as follows:

- A.** Comments and Inquiries on Non-Agenda and Agenda Items (excluding public hearing or quasi-judicial hearing items) from the Public: Any citizen is entitled to be heard concerning any matter within the scope of jurisdiction of the Commission under this section. The Commission may withhold comment or direct the City Manager to take action on requests or comments.
- B.** Public Hearings/Quasi-Judicial Hearings: Any citizen is entitled to speak on items under these sections at the time these items are heard by the Commission.
- C.** All persons desiring to do a presentation on agenda or non-agenda items that are on a portable flash drive device or a CD/DVD, must provide their media to the City Clerk no later than 12:00 p.m. one day prior to the meeting where they wish to present.

SIGN IN SHEET: Prior to the start of the Commission Meeting, individuals wishing to address the Commission should sign in on the sheet located on the right side of the dais. If you are not able to do so prior to the start of the meeting, you may still address the Commission. The primary purpose of the sign-in sheet is to assist staff with record keeping. Therefore, when you come up to the to speak, please complete the sign-in sheet if you have not already done so.

ADDRESSING THE COMMISSION: At the appropriate time, please step up to the lectern and state your name and address for the record. All comments must be addressed to the Commission as a body and not to individuals. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the Commission shall be barred by the presiding officer from speaking further, unless permission to continue or again address the Commission is granted by a majority vote of the Commission members present.

APPELLATE PROCEDURES

Please be advised that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is based. The City neither provides nor prepares such record.

1. ROLL CALL**2. PLEDGE OF ALLEGIANCE TO THE FLAG****3. AGENDA APPROVAL****4. PRESENTATIONS:****4.A. STAFF TO PRESENT AN UPDATE ON THE CLIMATE CHANGE VULNERABILITY STUDY.**

Recommendation: Presentation only.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Climate Threats - Coastal Resilience Partnership Southeast Palm Beach County](#)
[Climate Assets - Coastal Resilience Partnership Southeast PBC ADA](#)
[City Comm Update pdf 111020](#)

4.B. PRESENTATION ON BOYS & GIRLS CLUB IN DELRAY BEACH

Recommendation: Presentation only.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

5. COMMENTS AND INQUIRIES ON AGENDA AND NON-AGENDA ITEMS FROM THE PUBLIC- IMMEDIATELY FOLLOWING PRESENTATIONS:

A. City Manager's response to prior public comments and inquiries

B. From the Public

6. CONSENT AGENDA: City Manager Recommends Approval**6.A. CITY COMMISSION MEETING MINUTES**

Recommendation: Motion to approve meeting minutes as listed below:

August 11, 2020 Regular Meeting Minutes
October 21, 2020 Special Meeting Minutes

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[October 21, 2020 Special Meeting Minutes Draft](#)
[August 11 Regular Meeting Minutes Draft](#)

6.B. PROPOSED OFFER OF SETTLEMENT IN THE CASE OF ASHTON PAVLIK v. CITY OF DELRAY BEACH

Recommendation: Motion to deny settlement proposed by Ashton Pavlik for the reasons discussed in the confidential memorandum previously distributed to the City Commission.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

6.C. APPROVAL OF RESOLUTION NO. 187-20, APPROVING COVID-19 (FEMA - DR 4486 FL) FEDERALLY-FUNDED SUBAWARD AND GRANT AGREEMENTS BETWEEN THE CITY OF DELRAY BEACH AND THE FLORIDA DEPARTMENT OF EMERGENCY MANAGEMENT

Recommendation: It is recommended that City Commission adopt Resolution No. 187-20 approving the Form of the Federally-Funded Subaward and Grant Agreements with Florida Department of Emergency Management and authorize the Mayor to execute these agreements related to COVID-19 on behalf of the City.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[Resolution 187-20](#)

[Legal Review FEMA funds through FL Dept of Emergency Management COVID](#)

[Subgrant Agreement - COVID Delray](#)

6.D. APPROVAL OF GRANT APPLICATION AND AWARD/FDOT/SPEED/AGGRESSIVE DRIVING ENFORCEMENT PROGRAM

Recommendation: Motion to Approve application and award for the Florida Department of Transportation (FDOT) FY 20/21 Speed/Aggressive Driving Enforcement program.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)

[FDOT Subgrant Agreement - 2021 Final](#)

[Legal Review Form_FDOT Speed 20](#)

6.E. APPROVAL OF CHANGE ORDER NO. 2 REVISED SCOPE WITH SHIFF CONSTRUCTION AND DEVELOPMENT, INC. REGARDING THE EXPANSION OF THE DELRAY BEACH MEMORIAL GARDENS PROJECT IN THE AMOUNT NOT-TO-EXCEED \$127,221

Recommendation: Motion to approve Change Order No. 2 revised scope with Shiff Construction and Development, Inc. regarding the expansion of the Delray Beach Memorial Gardens Project (No.18-020), in the amount not-to-exceed \$127,221.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Res No. 124-19](#)

[Delray Beach Memorial Gardens Expansion Supplemental Proposal Irrigation a](#)

6.F. ITEM(S) A1, A2, A3 & B1 - ACCEPTANCE OF RIGHT-OF-WAY DEDICATION(S) FOR 240 SE 4th Ave., 308 SW 10th Ave. And 718 SE 7th St. AND DEDICATION OF AN EASEMENT TO FLORIDA POWER AND LIGHT FOR PALM TERRACE

Recommendation: Consideration of the following items:

RIGHT-OF-WAY DEED(S)

Items A

Item A1 - Motion to approve and accept a Right-of-Way dedication by the owner(s) of 240 SE 4th Ave. to the City of Delray Beach.

Item A2 - Motion to approve and accept a Right-of-Way dedication by the owner(s) of 308 SW 10th Ave. to the City of Delray Beach.

Item A3 - Motion to approve and accept a Right-of Way dedication by the owner(s) of 718 SE 7th St. to the City of Delray Beach.

FLORIDA POWER AND LIGHT EASEMENT DEDICATION(S)

Item B1 - Motion to approve the dedication of a Utility Easement to Florida Power and Light for Palm Terrace from the City of Delray Beach.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Item \(1\) Legal Reviews \(4\)](#)
[Item \(A1a\) ROW - 240 SE 4th Ave.](#)
[Item \(A1b\) Exhibit A -Sketch & Desc - 240 SE 4th Ave.](#)
[Item \(A2a\) ROW - 308 SW 10th Ave.](#)
[Item \(A2b\) Exhibit A & Sketch - 308 SW 10th Ave.](#)
[Item \(A3a\) ROW Deed - 718 SE 7th St](#)
[Item \(A3b\) Exhibit A - 718 SE 7th St](#)
[Item \(B1a\) Underground Easement - Palm Terrace](#)
[Item \(B1b\) Exhibit A - Sketch and Desc - Palm Terrace](#)

6.G. APPROVE INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY FOR FUNDING CONSTRUCTION / PROFESSIONAL SERVICES FOR FISCAL YEAR 2020/21

Recommendation: Approve the Interlocal Agreement (ILA) between the City of Delray Beach (City) and the Delray Beach Community Redevelopment Agency (CRA) to fund Fiscal Year 2020/21 Capital Projects as described in Exhibit A of the attached agreement for Fiscal Year 2020/21.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Exhibit A - ILA funding professional construction](#)
[Legal Review Checklist form v. 6 ILA with CRA for Construction-Professional se](#)

6.H. FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT (ILA) AND RESOLUTION NO. 20-039 BETWEEN THE CITY OF DELRAY BEACH AND THE CITY OF BOYNTON BEACH FOR ENGINEERING DESIGN OF SOUTHEAST 36TH AVENUE (GULFSTREAM BOULEVARD).

Recommendation: Approve the First Amendment to the Interlocal Agreement (ILA) and Resolution No. 20-039 between the City of Delray Beach and the City of Boynton Beach for Engineering Design of Southeast 36th Avenue (P/N 17-010).

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[First Amendment to ILA with Delray Beach 102320](#)
[ILA Agreement with City of Boynton Beach and CODB for Engineering Design o](#)
[Resolution R20-039](#)
[CA Checklist 110320](#)

6.I. PROCLAMATIONS:

6.I.1. OBSERVANCE OF VETERAN'S DAY PROCLAMATION

Recommendation: Motion to observe Wednesday, November 11, 2020 as National Veteran's Day.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Veteran's Day Proclamation](#)

6.I.2. NATIONAL HUNGER & HOMELESSNESS AWARENESS WEEK PROCLAMATION

Recommendation: Motion to proclaim November 14 - 22, 2020 as National Hunger & Homelessness Awareness Week.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Hunger and Homelessness Awareness Week](#)

6.I.3. PROCLAMATION TO PROMOTE RECYCLING IN PALM BEACH COUNTY AND TO DECLARE NOVEMBER 15, 2020 AS AMERICA RECYCLES DAY.

Recommendation: It is recommended that the City of Delray Beach proclaim and recognize November 15, 2020, as America Recycles Day and encourage all residents to continue to Reduce, Reuse, Recycle and Rethink their waste whether they are at work, home, school or play, and to Recycle Right every day by putting the correct items in their blue and yellow recycle bins!

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[America Recycles Day 2020](#)

6.J. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**6.J.1. REPORT OF APPEALABLE LAND USE ITEMS FROM SEPTEMBER 28, THROUGH OCTOBER 9, 2020.**

Recommendation: By motion, receive and file this report.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Appealable Items Map](#)
[A- 150 Marine Way Appealable Report](#)
[B - 244 SE 7th Ave Appealable Report](#)
[C - 125 Dixie Blvd Appealable Report](#)
[D - 98 NW 5th Avenue Appealable Report](#)
[E - 20 and 22 N Swinton Avenue Appealable Report](#)

6.K. AWARD OF BIDS AND CONTRACTS:

6.K.1. APPROVAL OF RESOLUTION NO. 42-20 TO APPROVE AN AGREEMENT WITH CDM SMITH INC. FOR OWNERS' REPRESENTATIVE FOR FIRE STATION 113 PURSUANT TO RFQ NO. 2019-007 (PROJECT NO. 16-012); IN AN AMOUNT NOT TO EXCEED \$861,125

Recommendation: Motion to Approve Resolution No. 42-20 to award an Agreement with CDM Smith Inc. for Owner's Representative for Fire Station 113 pursuant to RFQ No. 2019-007 (Project No. 16-012), in an amount not to exceed \$861,125.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[City of Delray Beach - FS113 Partially Executed Contract_10-27-20](#)
[Exhibit A - Project Description Rev](#)
[Exhibit B - Project Team \(1\)](#)
[Exhibit C - Scope of Services](#)
[Exhibit D - Owner's Representative Fee](#)
[Res. 42-20 - Owner's Rep for Fire Station 113 and EOC Resolution Award Agre](#)
[Legal Review Checklist FS113](#)
[CDM Smith_Delray Beach Owners Rep for Fire Station 113_RFQ 2019-007](#)
[2019-007 Final Eval Scoring Summary](#)

6.K.2. APPROVAL OF RESOLUTION NO. 166-20 TO AWARD AGREEMENTS TO FORTILINE WATERWORKS, FERGUSON ENTERPRISES, INC., CORE & MAIN LP, LEHMAN PIPE & PLUMBING SUPPLY CO., EMPIRE PIPE AND SUPPLY COMPANY, INC. UTILIZING THE SOUTHEAST FLORIDA GOVERNMENTAL PURCHASING COOPERATIVE GROUP BID #2018-19/12 - \$387,500

Recommendation: Motion to approve Resolution No. 166-20 to award agreements with Fortiline Waterworks, Ferguson Enterprises, Inc., Core & Main LP, Lehman Pipe & Plumbing Supply Co., and Empire Pipe and Supply Company for fittings, parts, and accessories related to the repair and maintenance of water distribution and wastewater collection pipelines and services, in the estimated amount of \$387,500 from November 10, 2020 through March 5, 2022, utilizing the Southeast Florida Governmental Purchasing Cooperative Group Bid #2018-19/12, and authorize the City Manager to approve renewal options, in the amounts below, contingent upon appropriations of funds.

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist Core and Main LP](#)
[Empire Pipe and Supply Company Inc. Agreement CAO rev](#)
[Legal Review Checklist Empire Pipe and Supply Company Inc](#)
[Ferguson Enterprises Inc. Agreement.CAO.rev](#)
[Legal Review Checklist Ferguson Enterprises](#)
[Fortiline Inc. Agreement rev. CAO](#)
[Legal Review Checklist Fortiline Inc](#)
[Lehman Pipe Plumbing Supply Company Inc Agreement](#)
[Legal Review Checklist Lehman Pipe and Supply Company Inc](#)
[SEFL Resolution 166-20](#)

6.K.3. APPROVAL OF RESOLUTION NO. 180-20 TO APPROVE AN AGREEMENT WITH INTERCOUNTY ENGINEERING, INC. FOR FILTER MEDIA IMPROVEMENTS AT THE WATER TREATMENT PLANT PURSUANT TO ITBC NO. 2020-034 - \$842,442

Recommendation: Motion to approve Resolution No. 180-20 to approve an agreement with Intercounty Engineering, Inc. for Filter Media Improvements project pursuant to ITBC No. 2020-034 in the amount of \$842,442.

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Resolution 180-20](#)
[Filter Media Improvements Agreement](#)
[Excel Tabulation Report \(002\)](#)
[Legal Approval ITBC 2020-034 Filter Media Improvements](#)

6.K.4. APPROVAL OF RESOLUTION NO. 181-20 TO AWARD AN AGREEMENT WITH LHOIST NORTH AMERICA OF ALABAMA, LLC FOR THE PURCHASE OF BULK QUICKLIME FOR WATER TREATMENT; UTILIZING THE CITY OF TAMARAC COOPERATIVE AGREEMENT BID NO. 20-21B - \$3,600,000

Recommendation: Motion to approve Resolution No. 181-20, to award an agreement with Lhoist North America of Alabama, LLC for the purchase of bulk quicklime for water treatment, in the estimated amount of \$3,600,000 through October 31, 2023, utilizing the City of Tamarac Cooperative Bid No. 20-21B, and authorize the City Manager to approve renewal options, in the amounts below, contingent upon appropriations of funds.

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist Lhoist](#)
[Resolution 181-20](#)
[Lhoist MSA](#)
[lhoist-executed-agreement-20-21b](#)

7. REGULAR AGENDA:

7.A. RESOLUTION 164-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.6.9(D) (3)(c)2 OF THE CITY OF DELRAY BEACH LAND DEVELOPMENT REGULATIONS APPROVING A STACKING DISTANCE OF SIX (6) FEET FOR THE SECURITY GATE CONNECTED TO EASTVIEW AVENUE FOR THE PROPERTY LOCATED AT 775 ESTUARY WAY, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI-JUDICIAL).

Recommendation: Review and consider Resolution No. 164-20, granting a waiver to LDR Section 4.6.9(D)(3)(c)(2), allowing six feet of stacking distance instead of 100 feet for Old Palm Grove.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Res. No. 164-20 Old Palm Grove Waiver](#)
[Old Palm Grove - Queuing Analysis](#)
[Old Palm Grove - Justification Statement](#)
[Old Palm Grove - Legal Review](#)

- 7.B.** RESOLUTION NO. 170-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTIONS 4.1.4(B) AND (D) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW FOR THE CONSTRUCTION OF A SINGLE-FAMILY NON-WORKFORCE HOUSING STRUCTURE FOR THE PROPERTY LOCATED AT 822 N. LAKE AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommendation: Review and consider Resolution No. 170-20 for a waiver to the Land Development Regulations (LDR) Section 4.1.4(B) to allow for the construction of a non-workforce residential structure on a lot with a frontage of less than 50 feet.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 170-20](#)
[Resolution No. 170-20 Exhibit "A"](#)
[Resolution No. 170-20 - Justification Statement](#)
[Resolution No. 170-20 Legal Review](#)

7.C. RESOLUTION NO. 171-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF A PORTION OF A SIDEWALK EASEMENT, A PUBLIC INGRESS-EGRESS EASEMENT, AND A GENERAL UTILITY EASEMENT FOR A DEVELOPMENT KNOWN AS ATLANTIC CROSSING LOCATED AT THE NORTHEAST CORNER OF ATLANTIC AVENUE AND NE 6TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION 185-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER TO SECTION 4.4.13(F)(4)(A)(2) OF THE CITY OF DELRAY BEACH LAND DEVELOPMENT REGULATIONS; APPROVING A SETBACK REDUCTION FROM 5 FEET TO 4.5 FEET FOR THE PROPERTY LOCATED GENERALLY AT THE NORTHEAST CORNER OF ATLANTIC AVENUE AND NE 6TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommendation: Review and consider Resolution No. 171-20, for the abandonment of portions of sidewalk easement, public ingress-egress easement and general utility easement and a waiver to the building setback requirements per LDR Section 2.4.6(N)(5).

Review and consider Resolution No. 185-20, for a waiver to the building setback requirements of Land Development Regulation 4.4.13(F)(4)(a)(2) for a 6 inch encroachment into the required 5-foot building setback per LDR Section 2.4.7(B)(5).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Resolution 171-20- Atlantic Crossing Easement Abandonment lg rev](#)
[Easement abandonment application and sketch survey](#)
[Resolution 185-20- Atlantic Cross Setback Waiver lg rev](#)
[Atlantic Crossing Waiver justification](#)
[Atlantic Crossing Settlement Agreement Addendum \(Highlighted\)](#)
[Atlantic Crossing Revised Survey](#)

7.D. RATIFICATION OF EMERGENCY REGULATIONS RELATED TO COVID-19 ACTIVATED UNDER CHAPTER 95 OF THE DELRAY BEACH CODE OF ORDINANCES

Recommendation: Motion to Ratify the 31st, 32nd, and 33rd Extensions of the State of Emergency for COVID -19 and Resolution Number 192-20.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[31ST Extension Emergency Declaration - COVID -19](#)
[32nd Extension Emergency Declaration - COVID -19](#)
[33rd Extension Emergency Declaration - COVID 19](#)
[Res. No. 192-20 COVID](#)

7.E. NOMINATION FOR APPOINTMENT TO THE BOARD OF TRUSTEES FOR THE FIREFIGHTERS RETIREMENT SYSTEM BOARD.

Recommendation: Motion to approve nomination for appointment for two (2) regular members to serve on the Board of Trustees for the Firefighters' Retirement System Board for a four (4) year term ending October 4, 2024.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Board of Trustees for the Firefighters' Retirement System](#)
[2020 Quarterly Attendance FIREFIGHTERS RETIREMENT SYSTEM](#)
[Evola](#)
[Glanfield](#)
[Kirschenbaum](#)
[Michel](#)
[Oberhofer](#)
[WARNER](#)

7.F. NOMINATION FOR APPOINTMENT TO THE BOARD OF TRUSTEES FOR THE POLICE RETIREMENT SYSTEMS BOARD.

Recommendation: Motion to approve the nomination for an appointment for two (2) regular members to serve on the Board of Trustees for the Police Retirement Systems Board for a four (4) year term ending October 4, 2024.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Board of Trustees for the Police Officers' Retirement System 4](#)
[2020 Quarterly Attendance POLICE RETIREMENT SYSTEM](#)
[Dickson](#)
[Dwek](#)
[hoesley](#)
[Kozak](#)
[Michel](#)
[Oberhofer](#)
[Privitera](#)

7.G. NOMINATION FOR APPOINTMENT TO THE GENERAL EMPLOYEES RETIREMENT FUND COMMITTEE

Recommendation: Motion to approve nomination for appointment one (1) regular member to serve on the General Employees Retirement Fund Committee for an Indefinite term.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[General Employees Retirement 2020 1](#)
[2020 Quarterly Attendance GENERAL EMPLOYEE RETIREMENT FUND](#)
[Michel](#)
[Oberhofer](#)

7.H. RECLAIMED WATER REPORT PRESENTATION BY DR. FREDERICK BLOETSCHER, OF PUBLIC UTILITY MANAGEMENT & PLANNING SERVICES INC.

Recommendation: Receive a presentation from Dr. Frederick Bloetscher, of Public Utility Management & Planning Services Inc.

Sponsors: Public Works Department and Utilities Department

Attachments: [Agenda Cover Report](#)
[REPORT - final](#)

8. PUBLIC HEARINGS:

- 8.A.** ORDINANCE NO. 29-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, BY AMENDING CHAPTER 4, "ZONING REGULATIONS", ARTICLE 4.4, "BASE ZONING DISTRICT"; SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT", SUBSECTION (G), "CIVIC OPEN SPACES" AND SUBSECTION (I), "CBD PARKING SPACES", TO AMEND REQUIREMENTS FOR BICYCLE PARKING IN CIVIC OPEN SPACES, TO AMEND THE MINIMUM NUMBER OF BICYCLE PARKING SPACES, TO PROVIDE SPACE LOCATION AND STREETScape, AND TO PROVIDE FOR SPACING REQUIREMENTS TO MEET SECTION 4.6.9 FOR LOCATION OF BICYCLE PARKING; AMENDING SECTION 4.6.9, "OFF-STREET PARKING REGULATIONS," SUBSECTION (C), "NUMBER OF PARKING SPACES REQUIRED," SUBSECTION (D), "DESIGN STANDARDS," AND SUBSECTION (E), "LOCATION OF PARKING SPACES", TO AMEND REQUIREMENTS FOR THE NUMBER OF BICYCLE PARKING SPACES REQUIRED, CREATE BICYCLE PARKING TYPOLOGIES FOR SHORT AND LONG TERM PARKING, AND PROVIDE LOCATION AND SPACING REQUIREMENTS FOR BICYCLE PARKING; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (SECOND READING)

Recommendation: Review and consider Ordinance No. 29-20 on second reading, a City-initiated request to amend and update the Land Development Regulations (LDR) regarding the citywide requirements for bicycle parking and accompanying facilities.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[PZB STAFF REPORT - Bike Racks and Facilities](#)
[Ordinance No. 29-20 Bicycle Racks and Facilities 2nd Reading](#)
[Ordinance No. 29-20: Legal Review Approval](#)

- 8.B.** ORDINANCE NO. 32-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND RE-DESIGNATING LAND APPROXIMATELY 12.20 ACRES IN SIZE PRESENTLY ZONED MIXED INDUSTRIAL AND COMMERCIAL (MIC) TO SPECIAL ACTIVITIES DISTRICT (SAD), FOR THE PROPERTY AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES BY AMENDING CHAPTER 4, "ZONING REGULATIONS," SECTION 4.4, "BASE ZONING DISTRICT," SECTION 4.4.25, "SPECIAL ACTIVITIES DISTRICT (SAD)," SUBSECTION 4.4.25(H), "S.A.D.S", TO ADD "AURA DELRAY BEACH"; SAID LAND GENERALLY LOCATED AT THE NORTHWEST CORNER OF NORTH CONGRESS AVENUE AND WEST ATLANTIC AVENUE, AND CONSISTING OF APPROXIMATELY 12.20 ACRES, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017"; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC HEARING)

Recommendation: Review and consider Ordinance No. 32-20 on Second Reading, a privately-initiated request for the rezoning of 12.20 acres from Mixed Industrial & Commercial (MIC) to Special Activities District (SAD) with an associated Master Development Plan (MDP) to allow a 292-unit multi-family residential development at 24 dwelling units per acre and a 2,000 square foot commercial building identified as the Aura Delray Beach SAD.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ordinance No. 32-20](#)
[Ordinance No. 32-20: Zoning Map \(Existing & Proposed\)](#)
[Ordinance No. 32-20: Rezoning Statement](#)
[Ordinance No. 32-20: Master Plan Statement](#)
[Ordinance No. 32-20: Master Plan](#)
[Ordinance No. 32-20: Planning and Zoning Board Staff Report](#)
[Ordinance No. 32-20: Traffic Study](#)
[Ordinance No. 32-20: Survey](#)
[Ordinance No. 32-20: Table NDC-1, Always Delray Comp. Plan](#)
[Ordinance No. 32-20: Legal Review](#)

8.B.1. RESOLUTION NO. 152-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A REQUEST FOR A CONDITIONAL USE PURSUANT TO THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, AND THE COMPREHENSIVE PLAN, TO ALLOW FOR THE INCREASE TO MAXIMUM ALLOWABLE HEIGHT OF 55 FEET FOR BUILDINGS 3, 4, 5 AND 6 FOR THE AURA DELRAY BEACH PROJECT, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES (QUASI JUDICIAL).

Recommendation: Review and consider Resolution No. 152-20, granting a conditional use to increase building height to 55 feet 3,4,5 and 6 for the Aura Delray Beach project generally located at the northeast corner of W. Atlantic Avenue and N. Congress Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Aura Delray Beach - Resolution No. 152-20](#)
[Aura Delray Beach - Location Map](#)
[Aura Delray Beach - Applicant Justification Statement](#)
[Aura Delray Beach - PZB Staff Report](#)
[Aura Delray Beach - Architectural Plans](#)
[Aura Delray Beach - Rendering](#)
[Aura Delray Beach - Rendering](#)
[Aura Delray Beach - Landscape Plans](#)
[Aura Delray Beach - Civil Plans](#)
[Aura Delray Beach - Traffic Study](#)
[Aura Delray Beach - TPS Letter](#)
[Aura Delray Beach - Legal Review](#)

8.B.2. REPORT OF APPEALABLE LAND USE ITEM FOR AURA DELRAY BEACH

Recommendation: By motion, receive and file this report.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Appealable Report - Aura Delray Beach.pdf](#)

9. FIRST READINGS:

9.A. None

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

B. City Attorney

C. City Commission