

City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

Phone: (561) 243-7000 - Fax: (561) 243-3774

www.mydelraybeach.com



Regular Commission Meeting

Regular Meeting at 4:00 PM

Tuesday, April 6, 2021

Virtual Meeting

City Commission

Mayor Shelly Petrolia

Vice Mayor Shirley Ervin Johnson

Deputy Vice Mayor Adam Frankel

Commissioner Juli Casale

Commissioner Ryan Boylston

Pursuant to the Home Rule powers of the City (s. 2(b), Art. VIII of the Florida Constitution and Chapter 166, Florida Statutes), Chapter 252, Florida Statutes (Emergency Management), any and all other applicable statutes, the City Charter and Chapter 95 of the City's Code of Ordinances, the City Commission of the City of Delray Beach shall conduct business at and through virtual meetings utilizing Communications Media Technology (CMT) in accordance with the rules of procedures promulgated by the City, during the COVID-19 public health emergency declared pursuant to Resolution 70-20, as extended. Members of the public wishing to view City Commission meetings should log into the City's website, <https://www.delraybeachfl.gov/i-want-to/watch/city-meetings>, where the meeting will be live-streamed for the public.

Members of the public wishing to participate may do so by submitting their comments via voicemail. Any member of the public wishing to comment publicly on any matter, including public comment or public hearing items, may submit their comments by dialing **(561) 243 - 7555** and leaving a voicemail message that will be played during the City Commission meeting and made a part of the public record:

1. State your full name
2. State your address
3. Leave a comment no longer than 3 minutes.

Comments and Inquiries on Non-Agenda and Agenda Items (Excluding Quasi-Judicial Hearing and Public Hearing Items) from the Public:

Public comments will be accepted up to 1 hour before the start of the meeting on the meeting date.

Quasi-Judicial and Public Hearing Items:

Public comment on quasi-judicial items and items that have been set for a formal public hearing shall only be made during the presentation of the item. After the Commission has heard from both the applicant and the City, the Commission will take a recess in order to afford the public an opportunity to comment on the specific agenda item. After the recess, comments from the public will be played into the record for the Commission's consideration.

General Rules:

All public comments must be addressed to the Commission as a body and not to individual Commissioners or staff. Personal verbal attacks upon Commissioners and/or staff will not be tolerated. Members of the public shall refrain from making comments that are impertinent, obscene, personally insulting, defamatory, or slanderous remarks. If any member of the public requires additional information about making public comments, please contact:

Katerri Johnson, City Clerk
City of Delray Beach
100 NW 1st Avenue
Delray Beach, FL 33444
561-243-7051

1. ROLL CALL**2. PLEDGE OF ALLEGIANCE TO THE FLAG****3. AGENDA APPROVAL**

3.A. Additions, Deletions, Substitutions

4. PRESENTATIONS:

4.A. None

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. ACCEPTING A LANDSCAPE MAINTENANCE AGREEMENT AND APPROVING THE FINAL (MAJOR) SUBDIVISION REPLAT OF LOTS 20, 21, 22, 23, 24 AND 35, BLOCK 35, DEL-RATON PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 14, PAGE 9 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LYING IN SECTION 28, TOWNSHIP 46, RANGE 43 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA, ALSO KNOWN AS FREDERICK ISLES.

Recommendation: Review and consider the Landscape Maintenance Agreement, as presented, and the Final (Major) Plat for Frederick Isles, at 2621 Frederick Boulevard, by adopting that the request and approval thereof is consistent with the criteria set forth in the Land Development Regulations Section 2.4.5(J)(Major Subdivisions).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Frederick Isles Location Map](#)

[Frederick Isles Plat](#)

[Frederick Isles Landscape Maintenance Agreement](#)

[Frederick Isles Plat PZ Board Staff Report](#)

[Frederick Isles Site Plan](#)

[Frederick Isles LMA Exhibit "B" \(Landscape Plan\)](#)

[Simple Legal Review Approval Frederick Isles Landscape Maintenance Agreement](#)

6.B. APPROVAL OF A WORKFORCE HOUSING COVENANT BETWEEN THE CITY OF DELRAY BEACH AND FREDERICK ISLES, LLC.

Recommendation: Consideration of a Workforce Housing Covenant between the City and Frederick Isles, LLC.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Frederick Isles Workforce Covenant](#)
[Frederick Isles Res. No. 179-20](#)
[Frederick Isles - Plan Set.pdf](#)

6.C. AN INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY DROWNING PREVENTION COALITION'S LEARN TO SWIM PROGRAM

Recommendation: Motion to enter into an Interlocal Agreement with Palm Beach County Drowning Prevention Coalition's (DPC) Learn to Swim Program for payment of swimming classes/lessons to the City of Delray Beach. Individuals who present vouchers issued by the DPC Learn to Swim Program receive swim lessons free of charge.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[ILA with County DPC Swim Lesson Vouchers 2021](#)
[Legal Review ILA DPC 2021](#)
[Certificate of Insurance](#)

6.D. APPROVAL TO ACCEPT EMERGENCY CHILD CARE RELIEF GRANT FUNDS IN THE AMOUNT OF \$5,750 FROM THE EARLY LEARNING COALITION (ELC) OF PALM BEACH COUNTY TO BE USED AT OUR TWO (2) OUT OF SCHOOL PROGRAM LOCATIONS

Recommendation: Motion to approve acceptance of additional grant funds through the Child Care and Development Block Grant (CCDBG) to provide Emergency Child Care relief funds in the amount of \$5,750 from the Early Learning Coalition (ELC) of Palm Beach County.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[ELC Grant addtlFunds emails](#)
[ELC Grant eligibilityForms](#)
[ELC Grant emails](#)

- 6.E.** ITEM(S) A1 AND A2 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION FOR 511 NW 14th ST. AND ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION FOR 1615 NW 4th AVE.

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 511 NW 14th St. to the City of Delray Beach.

RIGHT OF WAY DEDICATION(S)

Item A1

Consider acceptance of a Right-of-Way Dedication located at 511 NW 14th St.

The owner(s), Linda J. Collin, submitted building permit #20-193614 on 11/24/20 for the subject property. During the application process, it was determined that the property is on the corner of two roadways. In accordance with LDR 6.1.2 (C)(2)(b) a 25' radius between the intersections of Pine Lane and NW 14th Street would be required. As a result, a 25' radius right-of-way dedication was requested to satisfy the requirement.

There is no City cost now or in the future for this item.

Item B1

Consider acceptance of a Right-of-Way Dedication located at 1615 NW 4th Ave.

The owner(s), 1611 NW 4th Avenue, LLC, is preparing for submitting a permit application to build on the subject property. During the pre-application process, it was determined that the property is on the corner of two roadways. In accordance with LDR 6.1.2 (C)(2)(b) a 25' radius between the intersections of NW 4th Avenue and NW 17th Street would be required. As a result, a 25' radius right-of-way dedication was requested to satisfy the requirement.

There is no City cost now or in the future for this item.

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source/Financial Impact:

NA

Timing of Request:

The timing of these requests is of high importance in order to process the project Certificates of Occupancy (C/O) when completed.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Item \(1\) Legal Reviews - \(2\)](#)

[Item \(A1\) ROW Deed - 511 NW 14th St.](#)

[Item \(A1b\) Exhibit A & Sketch - 511 NW 14th St.](#)

[Item \(A2a\) ROW Deed - 1615 NW 4th Ave.](#)

[Item \(A2b\) Exhibit A & Sketch - 1615 NW 4th Ave](#)

- 6.F.** RESOLUTION NO. 50-21 TO APPROVE A JOINT PARTICIPATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION ACCEPTING FEDERAL GRANT FUNDING TO REPLACE AND UPGRADE TRAFFIC SAFETY DEVICES IN SCHOOL AREAS, SCHOOL CROSSINGS AND SCHOOL ZONES IN DELRAY BEACH; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AMENDMENTS AND TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THIS AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommendation: Motion to Approve Resolution No. 50-21 approving a Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) accepting federal grant funding to replace and upgrade traffic safety devices in school areas, school crossings and school zones in Delray Beach; Authorizing the City Manager to execute any amendments and take all actions necessary to effectuate this agreement.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Res 50-21 FDOT JPA NewSchoolTrafficSafetyDevices](#)

[JPA for Implementing New Speed Zone Signs City of Delray Beach](#)

[Legal Review Checklist JPA for School Speed Zone Signs](#)

[Delray08062019](#)

6.G. APPROVAL OF THE REQUEST FOR FUNDING FROM THE DELTA CULTURAL EDUCATIONAL AND SERVICE FOUNDATION, INC. FROM THE LAW ENFORCEMENT TRUST FUND (LETF) IN THE AMOUNT OF \$5,000

Recommendation: Motion to approve request for funding from the Law Enforcement Trust Fund (LETF) pursuant to Florida Statute 932.7055, Disposition of Liens and Forfeited Property, to The Delta Cultural Educational and Service Foundation, Inc. in the amount of \$5,000.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Law Enforcement Trust Fund \(LETF\) Donations Process Letter](#)
[Delta Corp.](#)
[Delta Cultural Educational And Service Foundation Inc IRS Letter](#)
[DSG Documents 3-12-2021](#)

6.H. PROPOSED OFFER OF SETTLEMENT IN THE CASE OF CINDY KAYE v. CITY OF DELRAY BEACH

Recommendation: Motion to deny the settlement offer for the reasons discussed in the confidential memorandum previously distributed to the City Commission.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

6.I. PROCLAMATIONS:

6.I.1. ADMINISTRATIVE PROFESSIONALS WEEK - APRIL 18, 2021 - APRIL 24, 2021

Recommendation: Motion to proclaim April 18-24, 2021 Administrative Professionals Week in Delray Beach, Florida and April 21, 2021, as Administrative Professionals Day and encourage all citizens to recognize the contributions of these dedicated professionals.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Administrative Professionals Week 2021](#)

6.I.2. PROCLAMATION TO DESIGNATE THE MONTH OF APRIL AS AUTISM AWARENESS MONTH

Recommendation: Motion to proclaim the month of April as Autism Awareness Month

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[Autism Awareness Month Proc](#)

6.I.3. PROCLAMATION TO DESIGNATE THE MONTH OF APRIL AS WATER CONSERVATION MONTH

Recommendation: Motion to proclaim the month of April as Florida's Water Conservation Month.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)
[2021-Water Conservation Proclamation.doc](#)
[Legal Review Approval Water Conservation.docx](#)

6.J. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:

6.J.1. None

6.K. AWARD OF BIDS AND CONTRACTS:

6.K.1. APPROVAL OF RESOLUTION NO. 71-21 FOR PURCHASE OF A NEW FIRE RESCUE SPECIAL OPERATIONS FIRE APPARATUS FROM TEN-8 FIRE EQUIPMENT, INC. UTILIZING THE FLORIDA SHERIFF'S ASSOCIATION CONTRACT NO. FSA20-VEF14.02 IN THE AMOUNT OF \$889,033 AND AUTHORIZING PREPAYMENT UPON RECEIPT OF 100 PERCENT PERFORMANCE BOND.

Recommendation: Motion to approve Resolution No. 71-21 for the purchase of one (1) new Pierce Enforcer Fire Apparatus in the amount of \$889,033 utilizing the Florida Sheriff's Association (FSA) Contract No. FSA20-VEF14.02 and authorizing prepayment upon receipt of a 100% performance bond.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[FSA20-VEF14.02 Terms and Conditions](#)
[Pierce Equipment Proposal 3-1-21](#)
[Pierce Option List 3-1-21](#)
[Legal Review Reso 71-21 purchase of Pierce Enforcer fire apparatus](#)
[Fire Truck Resolution 71-21](#)

6.K.2. APPROVAL OF RESOLUTION NO. 54-21 TO APPROVE AN AGREEMENT WITH A&P CONSULTING TRANSPORTATION ENGINEERS CORP. FOR CONSTRUCTION ENGINEERING AND INSPECTION SERVICES FOR THE RECLAIMED WATERMAIN FOR AREA 10 PROJECT PURSUANT TO RFQ NO. 2021-005 (PROJECT NO. 17-133) - \$124,022

Recommendation: Motion to Approve Resolution No. 54-21 to award an Agreement with A&P Consulting Transportation Engineers Corp. for Construction Engineering and Inspection Services for the Reclaimed Watermain for Area 10 project pursuant to RFQ No. 2021-005 (Project No. 17-133) - \$124,022.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Executed Agreement RFP No. 2021-005 CEI Services RWM Area 10](#)
[A&P Fee Proposal for CEI RWM Area 10](#)
[Resolution No. 54-21 CEI Reclaimed Watermain for Area 10 -AP. 3.8.21 KWB](#)
[Legal Review Checklist A & P Consulting](#)
[Submittal - A&P Transportation Consulting Engineers RFQ NO. 2021-005](#)
[2021-005 Technical Scoring CEI Reclaimed Water 1.25.21 FINAL](#)

6.K.3. APPROVAL OF RESOLUTION NO. 55-21 TO APPROVE AN AGREEMENT WITH DBE MANAGEMENT, INC. DBA DBE UTILITY SERVICES FOR THE CONSTRUCTION OF A RECLAIMED WATERMAIN FOR AREA 10 PURSUANT TO ITBC NO. 2021-019 (PROJECT NO. 17-133) - \$1,678,184

Recommendation: Motion to Approve Resolution No. 55-21 to award an Agreement with DBE Management, Inc. dba DBE Utility Services for the construction of a reclaimed watermain for area 10 pursuant to ITBC No. 2021-019 (Project No. 17-133) - \$1,678,184.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Agreement - Reclaimed Watermain for Area 10 - DBE Mgmt SIGNED](#)
[Legal Review Checklist DBE Management Reclaimed Water Main](#)
[Resolution 55-21 Reclaimed Watermain for Area 10- DBE](#)
[Submittal - DBE Management Inc.](#)
[2021 02-22 Award Recommendation -Revised](#)

7. REGULAR AGENDA:

7.A. RESOLUTION NO. 06-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE PURSUANT TO THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, TO ALLOW THE OPERATION OF A GASOLINE STATION AT 10 SOUTH CONGRESS AVENUE, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI JUDICIAL).

RESOLUTION NO. 48-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER TO SECTION 4.4.12(F)(2) OF THE LAND DEVELOPMENT REGULATIONS; APPROVING A REDUCTION TO THE MINIMUM FLOOR AREA REQUIRED FOR A FREE-STANDING STRUCTURE FOR A PROPOSED RACETRAC CONVENIENCE STORE WITH A FLOOR AREA OF 5,411 SQUARE FEET LOCATED AT 10 S. CONGRESS AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI JUDICIAL).

Recommendation: Review and consider Resolution Nos. 06-21 and 48-21.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Res. No. 06-21 - Conditional Use \(Gas Station\)](#)
[RaceTrac - Conditional Use Request](#)
[Res. No. 48-21 - Waiver Bldg Size](#)
[RaceTrac - Waiver request and justification statement](#)
[RaceTrac - Location Map](#)
[RaceTrac - PZB Staff Report](#)
[RaceTrac - Site Plans 1 of 3](#)
[RaceTrac - Site Plans 2 of 3](#)
[RaceTrac - Site Plans 3 of 3](#)
[RaceTrac - Photometric Plan \(1\)](#)
[RaceTrac - Traffic Impact Analysis](#)
[RaceTrac - Palm Beach County TPS Letter](#)
[RaceTrac - Stormwater Management Plan](#)
[RaceTrac - Declaration of Covenants](#)
[RaceTrac - DIA Map 2 \(Referenced\)](#)
[RaceTrac - Legal Review Reso 06-21 Conditional Use](#)
[RaceTrac - Legal Review for Waiver](#)
[2021, 4-5 Letter to Walia re RaceTrac](#)

7.B. RESOLUTION NO. 57-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CLASS IV SITE PLAN, CERTIFICATE OF APPROPRIATENESS, LANDSCAPE PLAN, ARCHITECTURAL ELEVATIONS AND APPROVING AN INCREASE IN RESIDENTIAL DENSITY THROUGH THE CENTRAL BUSINESS DISTRICT INCENTIVE PROGRAM PURSUANT TO SECTION 4.4.13(H)(1) OF THE LAND DEVELOPMENT REGULATIONS IN EXCHANGE FOR WORKFORCE HOUSING FOR THE PROJECT KNOWN AS ATLANTIC GROVE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

RESOLUTION NO. 58-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.4.13(F)(9)(b) OF THE LAND DEVELOPMENT REGULATIONS; APPROVING THE USE OF AN ASPHALT SHINGLE ROOFING MATERIAL FOR THE PROJECT KNOWN AS ATLANTIC GROVE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

Recommendation: Review and consider Resolution No. 57-21 for a Class IV Site Plan, Certificate of Appropriateness, Landscape Plan, Architectural Elevations and approving an increase in residential density through the Central Business District Incentive Program pursuant to Section 4.4.13(H)(1) of the Land Development Regulations in exchange for Workforce housing for the project known as "Atlantic Grove".

Review and consider Resolution No. 58-21 for a Waiver request to Section 4.4.13(F)(9)(b) of the Land Development Regulations to allow asphalt shingle roofing material that does not comply with the requirements of the Land Development Regulations relating to Urban Heat Islands for the project known as "Atlantic Grove".

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Res. No. 57-21 Atlantic Grove Density](#)
[Res. No. 58-21 Atlantic Grove Waiver](#)
[Atlantic Grove HPB Staff Report](#)
[Atlantic Grove Class IV Site Plan and Landscape Plans](#)
[Atlantic Grove Elevations-Townhouses](#)
[Atlantic Grove Elevations-Cabana](#)
[Atlantic Grove Description & Visual Compatibility Statement](#)
[Atlantic Grove Building Materials and Color Samples](#)
[Atlantic Grove 3D Visual Impact & Streetscape](#)
[Atlantic Grove Workforce Housing Plan](#)
[Atlantic Grove Waiver Justification & Green Building Statement](#)
[Atlantic Grove-Project Data](#)
[Simple Legal Review Approval Resolution 57-21](#)
[Simple Legal Review Approval Resolution 58-21](#)

7.C. RESOLUTION NO. 59-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING AN APPEAL TO SECTION 5.3.1(A) OF THE LAND DEVELOPMENT REGULATIONS TO REDUCE THE REQUIRED RIGHT-OF-WAY WIDTH FOR TANGERINE TRAIL, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL).

Recommendation: Review and consider Resolution No. 59-21 for an appeal to Land Development Regulations (LDR) Section 5.3.1(A), Right-of-way Dimensions and Dedication required, to reduce the ultimate right-of-way width required for Tangerine Trail.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 59-21](#)
[Resolution No. 59-21 - Location Map](#)
[Resolution No. 59-21 - Proposed Subdivision](#)
[Resolution No. 59-21 - Appeal Request from Applicant](#)
[Resolution No. 59-21 - DSMG Report](#)
[Resolution No. 59-21 - Engineer Determination](#)
[Resolution No. 59-21 - Legal Review](#)

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 50th, 51st, 52nd, 53rd and 54th Extensions of the State of Emergency for COVID -19, Resolution No. 53-21 and Resolution No. 63-21.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[50th Extension State of Emergency - COVID -19](#)
[51st Extension State of Emergency - COVID -19](#)
[52nd Extension State of Emergency - COVID -19](#)
[53rd Extension State of Emergency - COVID -19](#)
[54th Extension State of Emergency - COVID -19](#)
[Res. No. 53-21 - COVID-19 Extending Wearing of Face Coverings](#)
[Res. No. 63-21 - COVID-19 Extending Wearing of Face Coverings](#)

7.E. DISCUSSION CONCERNING OFFICE OF INSPECTOR GENERAL INVESTIGATIVE REPORT 2019-004, "CITY OF DELRAY BEACH GRANTS PROGRAM" DATED FEBRUARY 16, 2021

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[02-16-21-City_of_Delray_Beach-Grants_Program_Investigative_Report-2019-0](#)

7.F. DISCUSSION REGARDING INTERLOCAL AGREEMENT WITH HIGHLAND BEACH FOR FIRE AND EMERGENCY MEDICAL SERVICES

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)

8. PUBLIC HEARINGS:

8.A. None

9. FIRST READINGS:

- 9.A.** ORDINANCE NO. 09-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT FOR PARCELS OF LAND LOCATED AT 215 SE 1st AVENUE, 219 SE 1st AVENUE, 223 SE 1st AVENUE, 227 SE 1st AVENUE, 231 SE 1st AVENUE, 237 SE 1st AVENUE, 243 SE 1st AVENUE, 251 SE 1st AVENUE, AND 253 SE 1st AVENUE, WHICH MEASURE APPROXIMATELY 1.41± ACRES AS MORE PARTICULARLY DESCRIBED HEREIN, RE-DESIGNATING SAID LAND FROM MEDIUM DENSITY (MD) TO COMMERCIAL CORE (CC), PURSUANT TO THE PROVISIONS OF THE “COMMUNITY PLANNING ACT”, FLORIDA STATUTES SECTION 163.3187; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Recommendation: Consider Ordinance No. 09-21, a privately-initiated request for a Land Use Map Amendment (LUMA) from Medium Density (MD) to Commercial Core (CC) for the properties located at 215 SE 1st Avenue, 219 SE 1st Avenue, 223 SE 1st Avenue, 227 SE 1st Avenue, 231 SE 1st Avenue, 237 SE 1st Avenue, 243 SE 1st Avenue, 251 SE 1st Avenue, and 253 SE 1st Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Delray Swan-Ord. No. 09-21 LUMA](#)
[Delray Swan-Ord. No. 09-21, PZB Report](#)
[Delray Swan-Proposed Land Use and Zoning](#)
[Delray Swan-Applicant Justification](#)
[Delray Swan-Traffic Study](#)
[Delray Swan-Legal Review Ord. No. 09-21](#)

9.B. ORDINANCE NO. 10-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND RE-DESIGNATING LAND ZONED MEDIUM DENSITY RESIDENTIAL (RM) TO CENTRAL BUSINESS DISTRICT (CBD) FOR THE NINE PROPERTIES LOCATED AT 215 SE 1st AVENUE, 219 SE 1st AVENUE, 223 SE 1st AVENUE, 227 SE 1st AVENUE, 231 SE 1st AVENUE, 237 SE 1st AVENUE, 243 SE 1st AVENUE, 251 SE 1st AVENUE, AND 253 SE 1st AVENUE, WHICH MEASURE APPROXIMATELY 1.41± ACRES, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017" AND FURTHER AMENDING FIGURE 4.4.13-7, "RAILROAD CORRIDOR SUB-DISTRICT REGULATING PLAN" AND REGULATING MAP IN SECTION 4.4.13, LAND DEVELOPMENT REGULATIONS ACCORDINGLY; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Recommendation: Consider Ordinance No. 10-21, a privately-initiated request for rezoning from Medium Density Residential (RM) to Central Business District (CBD) for the properties located at 215 SE 1st Avenue, 219 SE 1st Avenue, 223 SE 1st Avenue, 227 SE 1st Avenue, 231 SE 1st Avenue, 237 SE 1st Avenue, 243 SE 1st Avenue, 251 SE 1st Avenue, and 253 SE 1st Avenue with an associated amendment to the Land Development Regulations (LDR) Figure 4.4.13-7, Railroad Corridor Sub-district Regulating Plan, to add the subject properties.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Delray Swan-Ord. No. 10-21 RZ](#)
[Delray Swan-Ord. No. 10-21, PZB Staff Report](#)
[Delray Swan-Proposed Land Use and Zoning](#)
[Delray Swan-Proposed Regulating Plan](#)
[Delray Swan-Applicant Justification](#)
[Delray Swan-Traffic Study](#)
[Delray Swan-Legal Review Ord. No. 10-21](#)

- 9.C.** ORDINANCE NO. 11-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 2, "ADMINISTRATIVE PROVISIONS", OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES, BY AMENDING ARTICLE 2.2, "ESTABLISHMENT OF BOARDS HAVING RESPONSIBILITIES FOR LAND DEVELOPMENT REGULATIONS", SECTION 2.2.5, "PUBLIC ART ADVISORY BOARD", SUBSECTION (D), "DUTIES, POWERS, AND RESPONSIBILITIES", TO AMEND THE DUTIES OF THE BOARD TO INCLUDE REVIEW AND MAKE RECOMMENDATION REGARDING PUBLIC ART IN THE PUBLIC RIGHT OF WAY, ON CITY OWNED PROPERTY, AND ON STRUCTURES IN THE PUBLIC RIGHT OF WAY AND MAKE RECOMMENDATIONS TO THE CITY COMMISSION REGARDING PUBLIC ART INSTALLATION; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

Recommendation: Review and consider Ordinance No. 11-21 on First Reading, City-initiated amendments to the Land Development Regulations to amend the duties of the Board to include review and make recommendation regarding public art in the public right of way, on City-owned property, and on structures in the public right of way and make recommendations to the City Commission regarding public art installation.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ordinance No. 11-21](#)
[Ordinance No. 11-21: PZB Staff Report](#)
[Ordinance No. 11-21: Legal Review](#)

10. SECOND READINGS:

10.A. ORDINANCE NO. 04-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING THE HHH BUSH BUILDING SPECIAL ACTIVITIES DISTRICT (SAD) TO THE 1177 MODERNE SPECIAL ACTIVITIES DISTRICT (SAD) FOR THE PROPERTY AS MORE PARTICULARLY DESCRIBED HEREIN; REPEALING ORDINANCE NOS. 38-84, 39-90, AND 01-11 IN THEIR ENTIRETY; AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.25, "SPECIAL ACTIVITIES DISTRICT (SAD)," SUBSECTION 4.4.25(H), "S.A.D.S", TO ADD "1177 MODERNE"; SAID LAND GENERALLY LOCATED NORTH OF GEORGE BUSH BOULEVARD BETWEEN THE INTRACOASTAL WATERWAY AND ANDREWS AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE "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)

Recommendation: Review and consider Ordinance No. 04-21, a privately-initiated request to rezone the HHH Building Special Activities District (SAD) to the 1177 Moderne Special Activities District (SAD), repealing the existing HHH Bush Building SAD adopted by Ordinance No. 38-84 and subsequently amended by Ordinance Nos. 39-90 and 01-11, and adopting new development standards in the subject ordinance.

Sponsors: Development Services Department

Attachments:

[Agenda Cover Report](#)

[1177 Moderne SAD-Ordinance No 04-21](#)

[1177 Moderne SAD-Ordinance No 04-21: Exhibit D, Master Development Plan](#)

[1177 Moderne-PZB Staff Report](#)

[1177 Moderne SAD-Applicant Justification](#)

[1177 Moderne SAD-Legal Review](#)

[1177 Moderne - Architectural Plans \(SPRAB\)](#)

[1177 Moderne - Landscaping Plans \(SPRAB\)](#)

- 10.B.** ORDINANCE NO. 05-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES, BY AMENDING CHAPTER FOUR, "ZONING REGULATIONS", ARTICLE 4.4, "BASE ZONING DISTRICT", SECTION 4.4.13, "CENTRAL BUSINESS DISTRICT (CBD)", SUBSECTION 4.4.13(l)(2)(j), "CBD PARKING STANDARDS", "MINIMUM NUMBER OF OFF-STREET PARKING SPACES", TO EXTEND THE EFFECTIVE DATE TO DECEMBER 31, 2024, PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (SECOND READING)

Recommendation: Review and consider Ordinance No. 05-21, a privately-initiated request to amend the Land Development Regulations (LDR) Section 4.4.13(l)(2), "Minimum number of off-street parking spaces," to extend the expiration date from April 3, 2021 to December 31, 2024 for the parking exemption applicable to a change in use for existing buildings located between SE 2nd Street and SE 3rd Street within the Railroad Corridor Sub-district.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ord. No. 05-21](#)

[Ord. No. 05-21 PZB Staff Report](#)

[Justification Statement](#)

[Applicable Area](#)

[Simple Legal Review Approval 05-21, Extending Effective Date of 4.4.13\(l\)\(2\)\(j\)](#)

- 10.C.** ORDINANCE NO. 12-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 96, "FIRE SAFETY AND EMERGENCY SERVICES", OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING SECTION 96.02, "FIRE SAFETY INSPECTIONS", TO PROVIDE ADDITIONAL METHODS OF COLLECTING PAYMENT AND IMPOSING INTEREST FOR DELINQUENT FIRE SAFETY INSPECTION CHARGES; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (SECOND READING)

Recommendation: Staff recommends approval of Ordinance No. 12-21 providing additional methods of collecting payment and imposing interest for delinquent Fire Safety Inspection charges; providing a conflict clause, a severability clause and authority to codify; providing an effective date and for other purposes.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)

[Ord 12-21 Fire Safety Inspections](#)

[Fire Inspection Ord Legal Review](#)

11. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

B. City Attorney

C. City Commission

12. ADJOURNMENT