

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 6:00 PM

Tuesday, October 17, 2017

Commission Chambers
Delray Beach City Hall

City Commission

Mayor Cary Glickstein

Vice Mayor Jim Chard

Deputy Vice Mayor Shirley Ervin Johnson

Commissioner Shelly Petrolia

Commissioner Mitchell Katz

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. RESOLUTION NO. 72-17 RECOGNIZING KENNETH THOMPSON FOR 30 YEARS OF SERVICE**

Recommendation: Motion to Approve Resolution No. 72-17 honoring Kenneth Thompson for 30 years of service.

Sponsors: Human Resources Department

Attachments: [72-17 30 year Resolution Kenneth Thompson](#)

4.B. PRESENTING UTILITIES WATER/SEWER & UTILITIES MAINTENANCE WITH CREW OF THE MONTH FOR OCTOBER 2017.

Recommendation: Present Utilities Water/Sewer & Utilities maintenance with crew of the Month for October 2017.

Sponsors: Human Resources Department

Attachments: [Utilities Water Sewer and Utilities Maintenance nomination form](#)

4.C. PRESENTATION BY ERICA WHITFIELD, DISTRICT 4 SCHOOL BOARD MEMBER, REGARDING DELRAY BEACH SCHOOLS

Sponsors: City Clerk Department

4.D. HOMELESS TASKFORCE PRESENTATION

Sponsors: City Clerk Department

Attachments: [Homeless Taskforce Presentation 2017](#)

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

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

5.B. From the Public

6. CONSENT AGENDA: City Manager Recommends Approval**6.A. APPROVAL OF MINUTES**

Recommendation: Motion to Approve various sets of minutes as listed below.

Sponsors: City Clerk Department

Attachments: [May 23 2017 Workshop Meeting Minutes -Draft](#)
[September 7 2017 Meeting Minutes Draft](#)

6.B. ACCEPTANCE OF A WATER AND SEWER EASEMENT GRANTED BY DELRAY MEDICAL CENTER, INC.

Recommendation: Motion to Accept a Water and Sewer Easement granted by Delray Medical Center, LLC.

Sponsors: Environmental Services Department

Attachments: [Location Map](#)
[Sewer Easement](#)
[Water Easement](#)

6.C. ACCEPTANCE OF A HOLD HARMLESS AGREEMENT FOR 2702 N. FEDERAL HIGHWAY

Recommendation: Motion to Approve and accept a Hold Harmless Agreement for 2702 N. Federal Hwy.

Sponsors: Environmental Services Department

Attachments: [Hold Harmless Agreement 2702 N. Federal Hwy.](#)
[Utility Work Location 2702 N. Federal Hwy.](#)
[FDOT Utility Permit 2702 N. Federal Hwy.](#)
[PAPA Page -Delray Health & Wellness](#)
[PAPA Map Location 2702 N. Federal Hwy.](#)
[Sun Biz Page -Delray Health & Wellness](#)
[Legal Review Checklist HH for Work in State ROW Delray Health & Wellness](#)

6.D. SERVICE AUTHORIZATION NO. 17-01 WITH ADA ENGINEERING INC. IN AN AMOUNT NOT-TO-EXCEED \$184,497.36 FOR THE STORMWATER MANAGEMENT MASTER PLAN UPDATE.

Recommendation: Motion to Approve Service Authorization No. 17-01 to ADA Engineering, Inc. (ADA) in the amount not-to-exceed \$184,497.36 for the Stormwater Management Master Plan Update (Project No. 17-049).

Sponsors: Environmental Services Department and Kovner

Attachments: [Service Authorization_092917 ADA Engineering.pdf](#)
[Stormwater Master Plan Service Authorization \(signed\)](#)

6.E. SERVICE AUTHORIZATION NO. 17-01 WITH CB&I ENVIRONMENTAL & INFRASTRUCTURE, INC. IN AN AMOUNT NOT-TO-EXCEED \$198,473 FOR THE SEAWALL VULNERABILITY ANALYSIS.

Recommendation: Motion to Approve Service Authorization No. 17-01 to CB&I Environmental & Infrastructure, Inc. (CBI) in the amount not-to-exceed \$198,473 for the Seawall Vulnerability Analysis (Project No. 17-048).

Sponsors: Environmental Services Department

Attachments: [Seawall Vulnerability Analysis -Service Authorization \(signed\)](#)

6.F. RATIFY AMENDMENT NO. 1 AND APPROVAL OF AMENDMENT NO. 1 WITH STO LANDSCAPE SERVICES, INC. FOR POMPEY PARK BASEBALL FIELD MAINTENANCE SERVICE

Recommendation: Motion to Ratify Amendment No. 1 with and approve Amendment No. 1 with STO Landscape Services, Inc. in an amount not-to-exceed \$38,160.

Sponsors: Purchasing Department

Attachments: [Legal Review Checklist form v. 3 Amend. #1 STO Landscape](#)
 [2016-071 STO Agreement](#)

6.G. RATIFY AMENDMENT NO. 1 AND APPROVAL OF AMENDMENT NO. 1 WITH L. V. SUPERIOR LANDSCAPING, INC. FOR I-95 INTERCHANGE ANNUAL

Recommendation: Motion to Ratify Amendment No. 1 with and approve Amendment No. 1 with L. V. Superior Landscaping, Inc. in an amount not-to-exceed \$77,190.

Sponsors: Parks & Recreation Department

Attachments: [Legal Review Checklist form v. 3 LV Superior](#)
 [City of Delray Beach Agreement 08.10.17](#)

6.H. INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY FOR FIRE PREVENTION AND LIFE SAFETY CAPTAIN POSITION

Recommendation: Motion to approve the Interlocal Agreement between the City of Delray Beach and the Delray Beach Community Redevelopment Agency.

Sponsors: Fire Rescue Department

Attachments: [Interlocal Agreement Community Redevelopment](#)
 [Legal Review Check list](#)

6.I. RESOLUTION NO. 74-17 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, TERMINATING THE STATE OF EMERGENCY PREVIOUSLY DECLARED IN RESPONSE TO HURRICANE IRMA PURSUANT TO CHAPTER 95 OF THE CITY CODE OF; PROVIDING AND AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Recommendation: The City Commission hereby deactivates the City's Emergency Management system and in accordance with Chapter 95 of the City of Delray Beach Code of Ordinances does hereby terminate the previously declared State of Emergency.

Sponsors: City Clerk Department

Attachments: [Resolution No. 74-17 - Termination of State of Emergency](#)

6.J. TERMINATION AGREEMENT AND MUTUAL RELEASE OF THE PARKING COMPLIANCE AGREEMENT WITH THE METROPOLITAN AT DELRAY, LLC AND SUNTRUST BANK

Recommendation: Motion to Approve the Termination Agreement and Mutual Release, as

presented.

Sponsors: Planning & Zoning Department

Attachments: [Delray-SunTrust Agreement Termination Request 09.27.17](#)
[Termination and Release between the City SunTrust and Metropolitan-Signed 1](#)
[Parking compliance agreement recorded](#)
[EXHIBIT A - Map of Parcels 1 thru 8](#)

6.K. PROCLAMATIONS:

6.K.1. DELRAY BEACH FIRE RESCUE DEPARTMENT APPRECIATION MONTH - PROCLAMATION

Sponsors: City Clerk Department

Attachments: [Firefighters Delray Beach - Proclamation 2017](#)

6.K.2. DOMESTIC VIOLENCE AWARENESS MONTH - PROCLAMATION

Sponsors: City Clerk Department

Attachments: [October2017DomesticViolenceMonthProclamation Delray](#)

6.K.3. EMPLOYEE RECOGNITION FOR WORK DURING HURRICANE IRMA

Recommendation: Recognize the efforts of all City employees for their dedication and commitment to serve the residents in the City of Delray Beach during Hurricane Irma

Attachments: [City Employee Recognition](#)

6.L. AWARD OF BIDS AND CONTRACTS:

6.L.1. TENNIS COURT RESURFACING - DELRAY BEACH TENNIS CENTER AND DELRAY BEACH SWIM AND TENNIS CLUB - REPAIRS DUE TO HURRICANE IRMA DAMAGE

Recommendation: Motion to approve contract between PTCS Professional Tennis Court and the City of Delray Beach in the amount of \$205,000 to resurface the clay tennis courts at the Delray Beach Tennis Center and the Delray Beach Swim and Tennis Club.

Sponsors: Parks & Recreation Department

Attachments: [3 quotes for clay resurfacing](#)
[Bid Waiver Tennis Court Resurfacing - Repairs Needed Due to Hurricane Irma \[](#)
[Acquisition Memo - Tennis Court Resurfacing - Repairs Needed due to Hurrican](#)
[Legal Review Checklist Tennis Court Resurfacing with Professional Tennis Cou](#)
[Approved signed contract 10-10-17](#)

7. REGULAR AGENDA:

7.A. This Agreement is made and entered into this 17th day of October, 2017, by and between the CITY OF DELRAY BEACH, FLORIDA, a municipal corporation, hereinafter called

"Employer" or "City," and MARK R. LAUZIER, hereinafter called "Employee" or "Mark R. Lauzier."

Recommendation: The parties acknowledge that Employee is appointed and shall serve at the pleasure of the Commission.

Attachments: [Delray Beach-Lauzier Final Signed Employment Contract 10-16-17](#)

7.B. CITY COMMISSION APPEAL OF THE HISTORIC PRESERVATION BOARD APPROVALS OF CERTIFICATES OF APPROPRIATENESS FOR MULTIPLE DEMOLITIONS AND RELOCATIONS ASSOCIATED WITH THE SWINTON COMMONS PROJECT GENERALLY LOCATED AT THE SOUTHWEST CORNER OF ATLANTIC AND SWINTON AVENUES (QUASI-JUDICIAL HEARING)

Recommendation: The recommendation is to confirm the Historic Preservation Board (HPB) Certificates of Appropriateness (COA) for Buildings D, G, H, T, U, V, W, X, and Y, more specifically described below.

RELOCATIONS:

Approve the COA (2016-072) for the relocation of the contributing structure on the property located at 21 SW 1st Avenue (Building 'D') in the Old School Square Historic Arts District (OSSHAD) to the property located at southwest section of the Sundy Block (address to be determined) by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Approve the COA (2016-061), a.k.a. Yellow House, for the relocation of the contributing structure on the property located at 44 South Swinton Avenue (Building 'G') in OSSHAD to the property located south central on the Sundy Block (address to be determined) by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Approve the COA (2016-057), a.k.a. White House, for the demolition/relocation/reconstruction of the contributing structure on the property located at 10 SE 1st Street on Block 70 (Building 'H'), to same property located slightly north of its current site on Block 70 facing SE 1st Street., OSSHAD (address likely to be the same) by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

DEMOLITIONS:

Approve the COA (2016-065) for the demolition of a non-contributing structure (Building 'T') located at 52 W. Atlantic Avenue Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is consistent with LDR Sections 4.5.1(E)(5) and 4.5.1(F), Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Approve the COA (2016-068) built in 2001 for the demolition of a non-contributing structure (Building 'U') located at 20 W Atlantic Avenue, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is consistent with LDR Sections 4.5.1(E)(5) and 4.5.1(F), Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Approve the COA (2016-058) for the demolition of a contributing structure/accessory structure (Building 'V') located at 35½ SW 1st Avenue, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is consistent with LDR Sections 4.5.1(E)(5) and 4.5.1(F), Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Approve the COA (2016-062) for the demolition of a contributing structure (Building "W") located at 14 SE 1st Street, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is consistent with LDR Sections 4.5.1 (E)(5) and 4.5.1(F), Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Approve the COA (2016-06)6 for the demolition of a contributing structure (Building' X') that has lost its character defining features of its Mission Revival style located at 18 SE 1st St, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is not consistent with LDR Sections 4.5.1 (E)(5) and 4.5.1(F), Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Approve the COA 2016-067 for the demolition of a contributing structure/accessory structure (Building 'Y') located at 18½ SE 1st Street,

Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is not consistent with LDR Sections 4.5.1 (E)(5) and 4.5.1(F), Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Approve the COA 2016-059 for the demolition of a contributing structure (Building 'Z') located at 48 SE 1st Avenue, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is not consistent with LDR Sections 4.5.1 (E)(5) and 4.5.1(F), Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Sponsors: Planning & Zoning Department

Attachments: [Appeal Request Withdrawal Letter 10-4-17](#)
[Swinton Commons Class V Staff Report 10.17.17](#)
[Relocation-Demolition Location Map 10.17.17](#)
[Relocation Report Building 'D' FINAL](#)
[Demolition Report Bulding E1 FINAL](#)
[Relocation Report Building 'G' FINAL](#)
[Relocation Report Building 'H' FINAL](#)
[Demolition Report Building T FINAL](#)
[Demolition Report Building U FINAL](#)
[Demolition Report Building V FINAL](#)
[Demolition Report Bulding W FINAL](#)
[Demolition Report Building X FINAL](#)
[Demolition Report Bulding Y FINAL](#)
[Demolition Report Building Z FINAL](#)

7.C. WAIVER REQUESTS FOR THE WEST ATLANTIC AVENUE PUBLIX TO THE CENTRAL BUSINESS DISTRICT (CBD) LAND DEVELOPMENT REGULATIONS (QUASI-JUDICIAL HEARING)

Recommendation: Motion to Approve with conditions seven waivers from LDR Section 4.4.13 Central Business District (CBD) for a full service grocery store, the West Atlantic Avenue Publix (2017-215), by adopting the findings of fact and law contained in the staff report, and finding that the requests are consistent with the Comprehensive Plan and meet the criteria set forth in Sections 2.4.7(B)(5) and 4.4.13(K)(8)(b)(2) of the Land Development Regulations for the property on the south side of Atlantic Avenue, between SW 6th Avenue and SW 7th Avenue.

Sponsors: Planning & Zoning Department

Attachments: [CC Order Waiver Requests for West Atlantic Publix 10-3-17](#)
[West Atlantic Publix LOCATION MAP](#)
[W Atlantic Ave Publix STAFF REPORT Final 10-3-17\[65472\]](#)
[West Atlantic Publix Waiver Justification](#)
[W Atlantic Ave Publix Elev 11x17](#)
[W Atlantic Ave Publix SITE PLAN 11x17](#)

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

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

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)
[General Employees Retirement Fund Committee Board Member List](#)
[General Employees Retirement Committee Attendance List](#)

7.E. NOMINATION FOR APPOINTMENT TO THE KIDS AND COPS COMMITTEE

Recommendation: Motion to recommend nominations for appointment for two (2) At-Large Representative members to serve on the Kids and Cops Committee for two (2) year terms ending July 31, 2019.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)
[Kids & Cops Committee Member List](#)
[Kids and Cops Committee Attendance List](#)

7.F. NOMINATION FOR APPOINTMENT TO THE SITE PLAN REVIEW AND APPEARANCE BOARD

Recommendation: Motion to approve nomination for appointment for one (1) regular member to serve on the Site Plan Review and Appearance Board for an unexpired term ending August 31, 2018.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)
[Site Plan Review and Appearance Board Member List](#)
[Site Plan Review and Appearance Board.2](#)

8. PUBLIC HEARINGS:

8.A. ORDINANCE NO. 35-17: UPDATE OF THE CITY OF DELRAY BEACH CAPITAL IMPROVEMENT ELEMENT WITH THE ADOPTED FIVE-YEAR CAPITAL IMPROVEMENT PLAN (SECOND READING)

Recommendation: **Recommended Action:**

By motion approve Ordinance No. 35-17 updating Table CI-CIP to update the Capital Improvement Element of the Comprehensive Plan with the adopted five-year Capital Improvement Plan (CIP) and accepting the Planning and Zoning Board's finding of Consistency of the proposed 5-Year Capital Improvement Plan for FY 2017-18 through FY 2021-22, and FY 2017-18 Capital Improvement Budget with the City of Delray Beach (City) Comprehensive Plan.

Sponsors: Planning and Zoning Board

Attachments: [Ordinance No. 35-17 CIP FY17-18 - FINAL](#)
[P&Z Board Staff Report with revised tables](#)
[Complete CIP Summary](#)

- 8.B.** ORDINANCE NO. 36-17: ESTABLISHING AND IMPOSING A TEMPORARY MORATORIUM WITHIN THE CITY OF DELRAY BEACH ON THE SUBMITTAL AND PROCESSING OF APPLICATIONS, AND ISSUANCE OF ANY PERMITS PERTAINING TO COLLOCATION ON EXISTING OR THE CREATION OF NEW UTILITY POLES IN THE RIGHT-OF-WAY TO SUPPORT SMALL WIRELESS FACILITIES OR MICRO WIRELESS FACILITIES UNTIL DECEMBER 31, 2017, TO ALLOW AN OPPORTUNITY TO DEVELOP REGULATIONS CONSISTENT WITH CHAPTER 2017-136, REGULATIONS LAWS OF FLORIDA. (SECOND READING)

Recommendation: Motion to Approve Ordinance No. 36-17, as presented on second reading.

Attachments: [HB 687 Wireless in ROW](#)
[Ord. 36-17 Wireless Infrastructure Deployment Ordinance MORATORIUM](#)

- 8.C.** RESOLUTION NO. 71-17 TERMINATION OF 2011 ATLANTIC CROSSING DEVELOPMENT AGREEMENT (SECOND PUBLIC HEARING)

Recommendation: Motion to approve Termination of 2011 Atlantic Crossing Development Agreement.

Announce October 17, 2017 at 6:00 p.m. as the date for the second public hearing and consideration of Resolution No. 71-17 to terminate the Development Agreement.

Sponsors: City Attorney Department

Attachments: [Resolution 71-17](#)
[Termination of Development t Agreement](#)
[Executed Development Agreement](#)
[Settlement Addendum Executed](#)

9. FIRST READINGS:

- 9.A.** ORDINANCE NO. 32-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE FUTURE LAND USE MAP AMENDMENT FROM TRANSITIONAL (TRN) TO GENERAL COMMERCIAL (GC),

PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT", FLORIDA STATUTES SECTION 163.3187, FOR A PARCEL OF LAND LOCATED ON THE NORTHWEST CORNER OF LA MAT AVENUE AND FREDERICK BOULEVARD, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING A CONFLICTS CLAUSE; AND A SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Recommendation:

Move to approve on First Reading, Ordinance No. 32-17, a privately-initiated Future Land Use Map amendment from Transitional (TRN) to General Commercial (GC) for the parcel of land located at the northwest corner of LaMat Avenue and Frederick Boulevard, by adopting the findings of fact and law contained in the staff report, and the finding that the request is consistent with the Comprehensive Plan, South Federal Highway Redevelopment Plan and meets the criteria set forth in Sections 3.1.1 of the Land Development Regulations.

Sponsors:

Planning and Zoning Board

Attachments:

[Ordinance No. 32-17](#)

[Planning and Zoning Board Staff Report of August 21, 2017](#)

- 9.B.** ORDINANCE NO. 33-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND PLACING LAND PRESENTLY ZONED SPECIAL ACTIVITIES DISTRICT (SAD) DISTRICT IN PART, GENERAL COMMERCIAL (GC) DISTRICT IN PART, NEIGHBORHOOD COMMERCIAL (NC) DISTRICT IN PART, AND MULTIPLE FAMILY RESIDENTIAL-MEDIUM DENSITY (RM) DISTRICT IN PART TO AUTOMOTIVE COMMERCIAL (AC) DISTRICT; SAID LAND LYING BETWEEN SOUTH FEDERAL HIGHWAY AND FREDERICK BOULEVARD, AND BETWEEN AVENUE F (FLADELL WAY) AND LAMAT AVENUE, 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. (FIRST READING)

Recommendation:

Move to approve on First Reading, Ordinance No. 33-17, a privately-initiated rezoning from SAD in part, GC in part, NC in part and RM in part to AC for the properties located within Block 24 and Block 25, Del Raton Park, by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and the South Federal Highway Redevelopment Plan and meets the criteria set forth in Sections 2.4.5(D)(5), 3.1.1 and 3.2.2 of the Land Development Regulations.

Sponsors:

Planning and Zoning Board

Attachments:

[Ordinance No. 33-17](#)

[Planning and Zoning Board Staff Report of August 21, 2017](#)

[Exhibit A - Excerpt from the South Federal Highway Redevelopment Plan](#)

9.C. ORDINANCE NO. 37-17: REPEAL OF LAND DEVELOPMENT REGULATION SECTIONS 4.5.3 "FLOOD DAMAGE CONTROL DISTRICTS" AND 4.5.4 "COASTAL CONSTRUCTION" (FIRST READING)

Recommendation: Motion to approve Ordinance No. 37-17, repeal of Section 4.5.3 and 4.5.4 of the Land Development Regulations, as presented.

Sponsors: Planning & Zoning Department

Attachments: [Ord 37-17 repealing LDR 4.5.4 coastal construction - REVISED 09.22.17 TRS 9](#)

9.D. ORDINANCE NO. 38-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH; BY AMENDING ARTICLE 2.4 "GENERAL PROCEDURES", SECTION 2.4.5 "PROCEDURES FOR OBTAINING DEVELOPMENT APPROVALS", SUB-SECTION 2.4.5(A) "AMENDMENTS TO THE COMPREHENSIVE PLAN" AND REPEALING CHAPTER 9, "THE COMPREHENSIVE PLAN" IN ITS ENTIRETY, PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Recommendation: Approve Ordinance No. 38-17 on First Reading for the amendments to Land Development Regulations as specified in attached Ordinance No. 38-17, as presented.

Sponsors: Planning and Zoning Board

Attachments: [Ordinance No. 38-17](#)
[PZB Report of September 18, 2017](#)

9.E. ORDINANCE NO. 39-17: A CITY-INITIATED AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS (LDR) TO AMEND SECTION 4.4.13(I)(2) TO NOT REQUIRE ADDITIONAL PARKING FOR A CHANGE OF USE IN AN EXISTING BUILDING FOR A PERIOD OF THREE YEARS. (FIRST READING)

Recommendation: Motion to Approve Ordinance No. 39-17, as presented, by adopting the findings of fact and law contained in the staff report and finding the text amendment and approval

Sponsors: Planning & Zoning Department

Attachments: [Ord 39-17 CBD Regulations - West Atlantic - Parking Requirements for Change](#)
[LDR Section 4.4.13 CBD 2015 3](#)
[LDR Section 4.4.13 CBD 2015 7](#)
[PZB Report--W Atlantic Parking LDR Amendmetn 09.14.17](#)

9.F. ORDINANCE NO. 41-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 34, "ELECTIONS", OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING SECTION 34.16(A), "FILING OF NOMINATING PETITION", TO AMEND THE QUALIFYING DATES FOR THE CITY OF DELRAY BEACH'S GENERAL ELECTION AT THE REQUEST OF THE SUPERVISOR OF ELECTIONS; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 34 SHALL REMAIN

IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Recommendation: Change the qualifying period to the first fourteen (14) business days in December immediately prior to the calendar year in which the election is to be held.

Sponsors: City Clerk Department

Attachments: [Ord 41-17 Amending Sec 34.16 Filing of Nominating Petition](#)

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

10.B. City Attorney

10.C. City Commission