

# City of Delray Beach

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[www.mydelraybeach.com](http://www.mydelraybeach.com)



## Regular Commission Meeting

Regular Meeting at 4:00 PM

Tuesday, November 27, 2018

Commission Chambers  
Delray Beach City Hall

### City Commission

*Mayor Shelly Petrolia*

*Vice Mayor Adam Frankel*

*Deputy Vice Mayor Shirley Ervin Johnson*

*Commissioner Bill Bathurst*

*Commissioner Ryan Boylston*

## **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. None

**4.B. Internal Auditor's Report**

4.B.1. None

**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. MEETING MINUTES**

**Recommendation:** Motion to approve meeting minutes as listed below.

October 16, 2018 Regular City Commission Meeting Minutes

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Minutes October 16, 2018 Regular City Commission Meeting](#)

**6.B. APPROVAL OF AMENDMENT NO. 1 FOR PLUMBING MAINTENANCE AND REPAIR SERVICES WITH GREEN TEAM PLUMBING D/B/A GREEN TEAM SERVICE CORP TO INCREASE THE APPROVED NOT-TO-EXCEED CONTRACT VALUE TO \$150,000 THROUGH APRIL 30, 2019**

**Recommendation:** Motion to approve Amendment No. 1 for plumbing maintenance and repair services with Green Team Plumbing d/b/a Green Team Service Corp to increase the approved not-to-exceed value to \$150,000 through April 30, 2019.

**Sponsors:** Public Works Department - Programs & Project Management

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist Amendment to RFP 2017-019 - Annual Spending Cap c](#)  
[Amendment No. 1 GreenTeam.pdf](#)  
[GreenTeam Contract.pdf](#)  
[RFP No.2017-019.pdf](#)  
[GreenTeam Service Corp Bid.pdf](#)

**6.C. RESOLUTION NO. 137-18: HISTORIC PROPERTY AD VALOREM TAX EXEMPTION FOR 1109 NASSAU STREET**

**Recommendation:** Motion to Adopt Resolution No. 137-18; approving a historic property ad valorem tax exemption for improvements to the contributing structure and property located at 1109 Nassau Street, based upon positive findings with respect to LDR Section 4.5.1(J).

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[1109 Nassau Street Tax Exemption-Attachments](#)  
[2018-10-03-Tax Exemption HPB SR-1109 Nassau Street Staff Report](#)  
[Resolution 137-18-Tax Exemption-1109 Nassau Street](#)

**6.D. RESOLUTION NO. 138-18: HISTORIC PROPERTY AD VALOREM TAX EXEMPTION FOR 219 SE 7th AVENUE**

**Recommendation:** Motion to approve Resolution No. 138-18; approving a historic property ad valorem tax exemption for improvements to the contributing structure and property located at 219 SE 7th Avenue, based upon positive findings with respect to LDR Section 4.5.1(J).

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Attachments Tax Exemption-219 SE 7th Avenue](#)  
[2018-10-03-Tax Exemption HPB SR-219 SE 7th Avenue Staff Report](#)  
[Resolution 138-18-Tax Exemption-219 SE 7th Avenue](#)

**6.E. APPROVAL OF A CONSENT TO ASSIGNMENT AND ASSUMPTION AGREEMENT FOR RMS PROPERTIES TO ROSEBUD 110, LLC**

**Recommendation:** Motion to approve a Consent to Assignment and Assumption Agreement from RMS Properties to Rosebud 110, LLC, and authorize the City Manager to execute any other actions necessary to effectuate this Agreement.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)  
[Consent to Assignment](#)  
[Parking Space Lease Support Agreement \(7387345x7AB84\)](#)  
[Parking Agreement Amendments \(7387343x7AB84\)](#)

**6.F. SETTLEMENT IN THE CASE OF KIMBERLY ARDILA-MORGAN V. CITY OF DELRAY BEACH**

**Recommendation:** Motion to settle the case of Kimberly Ardila-Morgan v. the City of Delray Beach for the reasons discussed in the confidential memorandum previously distributed to the City Commission.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)

**6.G. PROCLAMATIONS:**

**6.G.1. PICKLEBALL MONTH PROCLAMATION**

**Recommendation:** Motion to proclaim November 2018 as Pickleball Month in recognition of the 2018 Delray Beach Pickleball Classic that begins on November 29, 2018.

**Sponsors:** Parks & Recreation Department

**Attachments:** [Agenda Cover Report](#)  
[Pickleball Proclamation](#)

**6.H. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**

**6.H.1. REPORT OF APPEALABLE LAND USE ITEMS FROM OCTOBER 8, 2018 THROUGH OCTOBER 19, 2018.**

**Recommendation:** By motion, receive and file this report.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Appealable Items Map](#)  
[A. Crossroads Club - 1700 Lake Ida Road](#)  
[B. Cove 4 - 344 Venetian Drive](#)

**6.I. AWARD OF BIDS AND CONTRACTS:****6.I.1. APPROVAL OF RESOLUTION NOS. 133-18, 134-18, AND 135-18 TO AWARD AGREEMENTS WITH BODY SHOP BY MIKE & JOE, INC., COLLISION MOTOR REPAIRS, LLC, AND SOUTHEAST COLLISION CENTER, INC. FOR FLEET REPAIR AND PAINTING SERVICES IN A TOTAL CONTRACT VALUE NOT-TO-EXCEED \$300,000 FOR THE INITIAL THREE-YEAR TERM**

**Recommendation:** Motion to approve Resolution Nos. 133-18, 134-18, and 135-18 to award agreements with Body Shop by Mike & Joe, Inc., Collision Motor Repairs, LLC, and Southeast Collision Center, Inc. for fleet repair and painting services in a total contract value not-to-exceed \$300,000 for the initial three-year term.

**Sponsors:** Public Works Department - Fleet Division

**Attachments:** [Agenda Cover Report](#)  
[2018-053 Agreement with Body Shop By Mike & Joe, vendor executed](#)  
[2018-053 Agreement with Collision Motor, vendor executed](#)  
[2018-053 Agreement with Southeast, vendor executed](#)  
[Resolution No. 133-18 with Collision Motor Repairs CA rev](#)  
[Resolution No. 134-18 with Southeast Collision Center CA rev](#)  
[Resolution No. 135-18 with Body Shop by Mike & Joe CA rev](#)  
[Legal Review Checklist form v. 5 Body Shop by Mike and Joe](#)  
[Legal Review Checklist form v. 5 Collision Motor Repairs](#)  
[Legal Review Checklist form v. 5 Southeast Collision Center](#)  
[2018-053 Pool of Contractors for Fleet Repair Painting Services and Welding S](#)  
[body shop by mike & joe proposal](#)  
[Collision Motor Repairs Proposal](#)  
[Southeast Collision Center Proposal](#)

**6.I.2. APPROVAL OF RESOLUTION NO. 139-18 TO AWARD TWO FIVE-YEAR AGREEMENTS WITH OPTIONS FOR FIVE, ONE-YEAR, RENEWALS WITH ASHBRIITT, INC. AND CROWDERGULF JOINT VENTURE, INC. FOR DISASTER AND DEBRIS MANAGEMENT SERVICES.**

**Recommendation:** Motion to approve Resolution No. 139-18 to award two five-year agreements (Agreements), with options for five, one- year renewals, with Ashbriitt, Inc. as the primary contractor and CrowderGulf Joint Venture, Inc as the secondary contractor, for disaster and debris management services.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[Attachment 1 RFP 2018-001 Disaster and Debris Management R3](#)  
[Attachment 2 AshBritt Inc. Response to the City of Delray Beach, FL RFP 2018-](#)  
[Attachment 2 CrowderGulf FINAL PROPOSAL](#)  
[Attachment 3 2018-001 Resolution No.139-18 Crowdergulf Disaster Debris Agre](#)  
[Attachment 4 Legal Review Checklist Crowdergulf Disaster Debris Agreement](#)  
[Attachment 4 Legal Review Checklist form v. 5 Ashbriitt debris and disaster rem](#)  
[Attachment 5 Ashbriitt Agreement](#)  
[Attachment 5 CrowderGulf Agreeemnet](#)  
[Attachment 6 RFP 2018-001 Scoring Summary](#)

**7. REGULAR AGENDA:**

**7.A. APPROVAL OF COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE SERVICE EMPLOYEES INTERNATIONAL UNION, FLORIDA PUBLIC SERVICES UNION, CTW, CLC.**

**Recommendation:** Motion to approve Collective Bargaining Agreement between the City of Delray Beach and the Service Employees International Union, Florida Public Services Union, CTW, CLC.(SEIU).

**Sponsors:** Human Resources Department

**Attachments:** [Agenda Cover Report](#)  
[Memo to CM Approval of Collective Bargaining Agreement SEIU 2018.pdf](#)  
[Collective Bargaining Agreement SEIU.pdf](#)

**7.B. ALWAYS DELRAY COMPREHENSIVE PLAN UPDATE: PRESENTATION OF THE HOUSING ELEMENT**

**Recommendation:** Provide comment and direction regarding the proposed update of the Housing Element for the Always Delray Comprehensive Plan.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Cover Memo](#)  
[Housing Element DIA 11.20.18 Draft](#)  
[HousingGOPs 11.20.18 Draft](#)  
[HOU Maps 092218](#)  
[HOU Florida Statutes](#)  
[Current Housing Element edited 07202015](#)  
[Planning and Zoning Board Comp Plan Memo 10.1.2018](#)

**7.C. ALWAYS DELRAY COMPREHENSIVE PLAN UPDATE: PRESENTATION OF THE ECONOMIC PROSPERITY ELEMENT**

**Recommendation:** Provide comment and direction regarding the proposed Economic Prosperity Element for the Always Delray Comprehensive Plan.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[ECP DIA PZB 10.01.18](#)  
[ECP GOP PZB 110818](#)  
[MAP\\_ECP1\\_Underutilized\\_Lands](#)  
[MAP\\_ECP2\\_Percent\\_Underutilized\\_Lands](#)  
[ECP PZB Staff Report](#)  
[ECP\\_Statutes](#)

**8. PUBLIC HEARINGS:**



- 8.A.** ORDINANCE NO. 11-18: A CITY-INITIATED AMENDMENT TO MODIFY TABLE L-6 WITHIN THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN TO ADD AN "X" TO THE TABLE TO INCLUDE OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT AS A ZONING DISTRICT THAT IS COMPATIBLE WITH THE COMMUNITY FACILITIES (CF) FUTURE LAND USE MAP DESIGNATION, PURSUANT TO LAND DEVELOPMENT REGULATION SECTION 2.2.2(E)(6)(A). (SECOND READING/2ND PUBLIC HEARING)

**Recommendation:** Motion to Adopt Ordinance No. 11-18, a City-initiated amendment to the Future Land Use Element of the Comprehensive Plan, modifying Table L-6 to add an "X" to the table to include the OSSHAD zoning district as a zoning district that is compatible with the CF FLUM designation, by finding that the request is consistent with the requirements of Florida Statutes.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[2018-07-16 LDR Amendment CBD Overlay in OSSHAD Ord 11-18 FINAL](#)  
[2018-07-16-PZB Staff Report Ordinance No 11-18 with attachments](#)

- 8.B.** ORDINANCE NO. 20-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH, ARTICLE 1.3 NONCONFORMING USES, LOTS AND STRUCTURES, BY REPEALING THIS ARTICLE AND READOPTING IT TO PROVIDE UPDATED REGULATIONS FOR NONCONFORMING LOTS, USES OF LAND AND STRUCTURES IN ADDITION TO REGULATIONS ON REMODELING NONCONFORMING STRUCTURES OR RECONSTRUCTING SUCH STRUCTURES IF AFFECTED BY AN ACT OF GOD; AND AMENDING ARTICLE 7.8 UNSAFE BUILDINGS AND STRUCTURES, BY REPEALING AND READOPTING SECTION 7.8.4 REQUIREMENTS FOR ALTERATIONS, ADDITIONS, OR REPAIRS TO PROVIDE FOR CONSISTENCY WITH ARTICLE 1.3 NONCONFORMING USES, LOTS AND STRUCTURES; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (SECOND READING)

**Recommendation:** Approve Ordinance No. 20-18 the amendments to Land Development Regulations regarding Article 1.3, as presented.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Ordinance No. 20-18](#)  
[P&Z Board Report 09.17.2018 Complete with Attachments](#)  
[P&Z Board Report 7.17 2017](#)  
[Legal Review Form Ord 20-18](#)

- 8.C.** ORDINANCE NO. 22-18: 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 SECTION 4.6.7 "SIGNS", BY AMENDING PARAGRAPH 4.6.7(D) "AESTHETIC QUALIFICATIONS", SUBPARAGRAPH (2) "BASIS" TO PROVIDE AESTHETIC QUALIFICATION CRITERIA FOR SCALE, DESIGN AND LOCATION, AND AMENDING PARAGRAPH 4.6.7(J) "PROHIBITED SIGNS", SUBPARAGRAPH (3) " "ROOF SIGNS" TO AMEND THE "DEFINITIONS" OF "ROOF SIGNS" TO BE CONSISTENT WITH SECTION 4.6.7, PROVIDING A CONFLICTS CLAUSE, AND AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES. (SECOND READING)

**Recommendation:** Motion to Approve Ordinance No. 22-18 amending the Land Development Regulations at Section 4.6.7 "Signs", as presented.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Ordinance 22-18 Roof signs 09.06.18.docx](#)  
[PZB 091718 Roof signs 090618.pdf](#)

- 8.D.** ORDINANCE NO. 24-18: 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 2, "ADMINISTRATIVE PROVISIONS", ARTICLE 2.1, "DEVELOPMENT MANAGEMENT SERVICES GROUP," SECTION 2.1.2, "ADMINISTRATIVE ORGANIZATION AND RESPONSIBILITIES," BY ADDING APPROVAL OF ZONING CERTIFICATE OF USE AND OCCUPANCY AS A RESPONSIBILITY OF THE PLANNING AND ZONING DIRECTOR; AMENDING ARTICLE 2.4, "GENERAL PROCEDURES", SECTION 2.4.4, GENERAL PROCEDURES PERTAINING TO APPROVAL OF LAND USE AND DEVELOPMENT APPLICATIONS", BY AMENDING SUBSECTION (E), "EXPIRATION OF APPROVALS", TO PROVIDE AN EXPIRATION DATE FOR A ZONING CERTIFICATE OF USE AND OCCUPANCY; AMENDING SECTION 2.4.5, "PROCEDURES FOR OBTAINING DEVELOPMENT APPROVALS", BY AMENDING SUBSECTION (F), "SITE AND DEVELOPMENT AND MASTER DEVELOPMENT PLANS (MDP)," TO DEFINE AND CLARIFY THE APPROVAL PROCESS FOR A CLASS V SITE PLAN AND MASTER SITE DEVELOPMENT PLAN; AMENDING SUBSECTION (G), MODIFICATIONS TO SITE AND DEVELOPMENT PLANS," TO FURTHER CLARIFY SITE AND MASTER DEVELOPMENT PLANS, AND ADD A PROCESS FOR ZONING CERTIFICATE OF USE AND OCCUPANCY; AMENDING APPENDIX A, "DEFINITIONS," BY ADDING "ZONING CERTIFICATE OF USE AND OCCUPANCY," PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (SECOND READING)

**Recommendation:** Motion to approve Ordinance No. 24-18 to amend Land Development Regulations Section 2.1.2, 2.4.5(F), 2.4.5(G), to provide a new process for Zoning Certificate of Use and Occupancy, and clarify review requirements associated with Site Plans and Master Development Plans, by adopting the findings of fact and law contained in the staff report and finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M), as presented.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Ordinance 24-18 Zoning Certificate of Use and Occupancy CC Changes](#)  
[Planning and Zoning Board Memo 091518](#)  
[Zoning Certificate of Use and Occupancy Application \(Draft\)](#)

- 8.D.1.** RESOLUTION NO. 146-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ESTABLISHING A SCHEDULE OF FEES FOR A ZONING CERTIFICATE OF USE AND OCCUPANCY, PURSUANT TO THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH, FLORIDA, SECTION 2.4.5, "PROCEDURES FOR OBTAINING DEVELOPMENT APPROVALS"; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

**Recommendation:** Motion to approve Resolution No. 146 -18 to establish a fee for the Zoning Certificate of Use and Occupancy.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution 146-18 Zoning Certificate of Use and Occ Fee](#)

- 8.E.** ORDINANCE NO. 30-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND PLACING LAND PRESENTLY ZONED MIXED RESIDENTIAL, OFFICE AND COMMERCIAL (MROC) DISTRICT TO SPECIAL ACTIVITIES DISTRICT (SAD) DISTRICT; AMENDING SECTION 4.4.25 (H) OF THE LAND DEVELOPMENT REGULATIONS TO ADD THE 1690-2350 SOUTH CONGRESS AVENUE SAD; SAID LAND LYING GENERALLY ON THE WEST SIDE OF CONGRESS AVENUE BETWEEN OLD GERMAN TOWN ROAD AND THE DELRAY OAKS NATURAL AREA TO THE SOUTH; 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. (FIRST READING/FIRST PUBLIC HEARING)

ALONG WITH A WAIVER FROM LAND DEVELOPMENT REGULATION 4.4.25(D) TO WAIVE THE REQUIREMENT THAT A SITE PLAN BE PROCESS CONCURRENTLY WITH THE SAD ORDINANCE. (QUASI-JUDICIAL - TO BE CONSIDERED PRIOR TO 2ND READING AND ADOPTION OF ORDINANCE NO. 30-18)

**Recommendation:** Move to approve Ordinance No. 30-18 for the privately-initiated rezoning from MROC (Mixed Residential Office and Commercial) to SAD (Special Activities District) with a Master Development Plan (MDP) for 1690-2350 South Congress Avenue, 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 LDR Sections 3.1.1 (Required Findings), 3.2.2 (Standards for Rezoning Actions), 2.4.5(F)(6), and 2.4.5(D)(5)(Rezoning Findings), subject to the following conditions:

1. That the traffic issues identified by the Palm Beach County Traffic Engineering Division are addressed and a finding of concurrency be provided prior to consideration of the rezoning request by the City Commission.  
(Condition satisfied, Letter from Palm Beach Co Traffic attached; recommend revising condition to require conditions outlined in PBC Traffic letter)
2. That the sewer capacity issue be resolved prior to consideration of the rezoning request by the City Commission.  
(Status of the condition will be reported at the meeting)
3. That the proposed development standards be revised to require the tandem parking spaces be attended by a valet operator during the hours of operation of the commercial components only.  
(Condition satisfied)
4. That the Master Development Plan be revised to include an internal

road (one-way or two-way) between the residential apartments and "The Annex" park or an expanded sidewalk that accommodates emergency services. At a minimum the sidewalk must be one-way, nine feet wide to accommodate emergency vehicle access and multi-modal pathway.

(If approved and adopted by the City Commission, the MDP will be modified to reflect the referenced road.)

Move to approve the waiver to LDR Section 4.4.25(D), which requires a SAD rezoning be accompanied by a site development plan to be approved by the SPRAB (Site Plan Review and Appearance Board) prior to adoption of the rezoning, based on positive findings with LDR Section 2.4.7(B)(5), to allow the Master Development Plan (MDP) to be approved by the City Commission and subsequent site plans, consistent with the adopted MDP, to be approved by SPRAB. Please note that this action needs to occur prior to action on the second reading of the SAD rezoning ordinance.

**Sponsors:**

Development Services Department

**Attachments:**

[Agenda Cover Report](#)

[Clean-10-24-2018-Ord 30-18](#)

[1690-2350 South Congress Avenue Site Final Staff Report for P&Z meeting 10](#)

[180616 - 1690-2350 South Congress Avenue 10-18-18](#)

[Waiver Board Order City Commission](#)

## 9. FIRST READINGS:

- 9.A.** ORDINANCE NO. 27-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ANNEXING INTO THE CITY OF DELRAY BEACH, THREE (3) PARCELS OF LAND LOCATED ON THE EAST SIDE OF BARWICK ROAD IMMEDIATELY SOUTH OF LAKE WORTH DRAINAGE DISTRICT L-30 CANAL, INFORMALLY KNOWN AS BANYAN COVE, WITH THE SAME BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS HEREIN, COMPRISING APPROXIMATELY 6.68± ACRES IN SIZE AND SITUATED CONTIGUOUS TO THE EXISTING MUNICIPAL LIMITS OF THE CITY OF DELRAY BEACH; PROVIDING FOR INCLUSION OF THESE THREE (3) PARCELS INTO THE CITY AND A REDEFINITION OF THE CITY BOUNDARIES PURSUANT TO SUB-SECTION 171.044(2), FLORIDA STATUTES; PROVIDING FOR CONFORMANCE WITH ALL VOLUNTARY ANNEXATION PROCEDURES AS SET FORTH IN SECTION 171.044, FLORIDA STATUTES; PROVIDING FOR FILING WITH PALM BEACH COUNTY AND THE DEPARTMENT OF STATE; 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. 27-18, annexing three parcels of land located on the east side of Barwick Road, immediately south of the Lake Worth Drainage District L-30 Canal, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with F.S. 171.044, in that the property is contiguous to the City, reasonably compact and does not create an enclave; consistent with the Comprehensive Plan, and meets the criteria set forth in Sections 2.4.5 (C) of the Land Development Regulations.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Annexation Ordinance No. 27-18](#)  
[BanyanCove-Aerial Map](#)  
[Survey](#)  
[Planning Area Map](#)  
[PZ Board Staff Report](#)  
[Letters of Opposition](#)  
[City Attorney's Office Approval Memorandum](#)

## **10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:**

**10.A. City Manager**

**10.B. City Attorney**

**10.C. City Commission**

