

# **City of Delray Beach**

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## **Minutes - Draft**

**Tuesday, January 21, 2020**

**4:00 PM**

**Regular Meeting at 4:00 PM**

**Delray Beach City Hall**

## **City Commission**

*Mayor Shelly Petrolia  
Vice Mayor Shirley Ervin Johnson  
Deputy Vice Mayor Bill Bathurst  
Commissioner Adam Frankel  
Commissioner Ryan Boylston*

**1. ROLL CALL**

Vice Mayor Johnson called the regular meeting to order at 4:01 p.m.  
The roll call was taken by the City Clerk.

The following were in attendance:

**Present:** 4 - Vice-Mayor Shirley Ervin Johnson, Commissioner Adam Frankel, Deputy Vice Mayor William Bathurst, and Commissioner Ryan Boylston

**Absent:** 1 - Mayor Shelly Petrolia

Also Present:

George Gretsas, City Manager  
Lynn Gelin, City Attorney  
Katerri Johnson, City Clerk

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

Commissioner Frankel requested Item 6.D. be pulled from the consent agenda for further discussion. It will become Item 7.A.A.

**A motion was made by Commissioner Boylston, seconded by Commissioner Frankel, that the agenda be approved as amended. The motion carried by the following vote:**

**Yes:** 4 - Vice-Mayor Ervin Johnson, Commissioner Frankel, Deputy Vice Mayor Bathurst, and Commissioner Boylston

**Absent:** 1 - Mayor Petrolia

**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

None.

## B. From the Public

Marjorie Waldo, 8058 Tumblestone Ct., from the Arts Garage spoke on Black History month and presented some flyers of upcoming events to the Commission.

Greta Britt, no address given, spoke on behalf of Carver Middle School and the traffic issues at the time of dismissal. They are concerned for the safety of the students and are asking for the City to allow a community service officer to help them direct the traffic for about 20 minutes.

Claudia Mendoza, 140 Via D Este, spoke to the Commission asking for them to become involved in Carver Middle School and attend their meetings.

Glen Urquhart, 1004 & 1006 Rhodes Villa Avenue, addressed the Commission regarding the need for the FP&L, AT&T and Comcast lines to be buried underground on his street. He has been working with the City for several years on trying to get this matter addressed.

Pauline Moody, unverified address, expressed her perspective on abandoned poles with wires hanging down that can be found all around the City, not just in a certain neighborhood.

There being no one further from the public who wished to speak, Vice Mayor Johnson closed public comments.

**6. CONSENT AGENDA: City Manager Recommends Approval**

**A motion was made by Commissioner Frankel, seconded by Commissioner Boylston, that the consent agenda be approved as amended. The motion carried by the following vote:**

**Yes:** 4 - Vice-Mayor Ervin Johnson, Commissioner Frankel, Deputy Vice Mayor Bathurst, and Commissioner Boylston

**Absent:** 1 - Mayor Petrolia

**6.A.**     [20-030](#)     CITY COMMISSION MEETING MINUTES**Body:**   **Recommended Action:****Recommendation:** Motion to approve meeting minutes as listed below:

October 15, 2019 City Commission Regular Meeting Minutes

**Attachments:**   [Agenda Cover Report](#)[October 15, 2019 City Commission Regular Meeting Minutes\\_DRAFT](#)

Approved.

**6.B.**     [20-022](#)     RESOLUTION NO. 29-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION TO OLGA ADLER AND WILLIAM K. ADLER, FOR THE HISTORIC REHABILITATION OF THE PROPERTY LOCATED AT 19 NORTH DIXIE BOULEVARD, AS FURTHER DESCRIBED HEREIN; DETERMINING THAT THE COMPLETED IMPROVEMENTS ARE CONSISTENT WITH LAND DEVELOPMENT REGULATION (LDR) SECTION 4.5.1(J), TAX EXEMPTION FOR HISTORIC PROPERTIES; PROVIDING AN EFFECTIVE DATE**Body:**   **Recommended Action:****Recommendation:** Review and consider Resolution No. 29-20, granting an ad valorem tax exemption to Olga Adler and William K. Adler, for the historic rehabilitation of the property located at 19 North Dixie Boulevard, as further described herein; determining that the completed improvements are consistent with Land Development Regulation Section 4.5.1(J), Tax Exemption for Historic Properties; providing an effective date.**Attachments:**   [Agenda Cover Report](#)[HPB Staff Report-19 N Dixie Blvd-2019-12-04](#)[Attachments-19 N Dixie Blvd](#)[Resolution 29-20](#)

Approved.

- 6.C. [20-052](#) AMENDMENT NO. 5 TO THE AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND PLAYERS INTERNATIONAL MANAGEMENT, INC.

**Body: Recommended Action:**

**Recommendation:** Motion to Approve Amendment No. 5 to the Agreement between the City of Delray Beach and Players International Management, Inc.

**Attachments:** [Agenda Cover Report](#)  
[Amendment No 5](#)

Approved.

- 6.D. [20-054](#) ROAD IMPROVEMENT AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND DELRAY PLACE, LLC

**Body: Recommended Action:**

**Recommendation:** Motion to Approve the of Road Improvement Agreement between the City Of Delray Beach and Delray Place, LLC.

**Attachments:** [Agenda Cover Report](#)  
[Road Improvement Agreement](#)

**Item 7.A.A.**

Commissioner Frankel requested that City Attorney Gelin give the specifics of the Road Improvement Agreement so it is clear.

City Attorney Gelin explained that this item went before the Site Plan Review Advisory Board in August to address the traffic situation at Delray Place, LLC. This agreement would allow the City to look back to be certain the construction is being completed as agreed and would grant legal measures the City can take if it is not being completed within accordance of this agreement.

Commissioner Frankel thanked City Attorney Gelin and Ms. Miskel for adding certain safety and traffic conditions to the agreement.

**A motion was made by Commissioner Boylston, seconded by Commissioner Frankel, that the road improvement agreement be approved. The motion carried by the following vote:**

**Yes:** 4 - Vice-Mayor Ervin Johnson, Commissioner Frankel, Deputy Vice Mayor Bathurst, and Commissioner Boylston

**Absent:** 1 - Mayor Petrolia

**6.E. PROCLAMATIONS:**

6.E.1. None

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

6.F.1. None

**6.G. AWARD OF BIDS AND CONTRACTS:**

- 6.G.1.**    [20-028](#)            APPROVAL OF RESOLUTION NO. 23-20 TO AWARD AN AGREEMENT WITH AIRGAS USA, LLC FOR CARBON DIOXIDE UTILIZING THE SOUTHEAST FLORIDA GOVERNMENTAL PURCHASING COOPERATIVE GROUP BID T-36-19 - \$135,000

**Body:**    **Recommended Action:**

**Recommendation:** Motion to approve Resolution No. 23-20 to award an agreement with Airgas USA, LLC for carbon dioxide utilizing the Southeast Florida Governmental Purchasing Cooperative Bid T-36-19, in the estimated amount of \$135,000, and authorize the City Manager to approve renewal options, contingent upon renewal by the awarding authorities and contingent upon appropriation of funds.

**Attachments:**    [Agenda Cover Report](#)  
                          [Legal Review Checklist Airgas](#)  
                          [P2020-09 Agreement with Airgas USA LLC](#)  
                          [Res 23-20 Airgas USA LLC](#)  
                          [T-36-19 Carbon Dioxide Liquid Bulk Delivery Invitation for Bids](#)

**Approved.**

- 6.G.2. [20-025](#) APPROVAL OF RESOLUTION NO. 31-20 TO AWARD AN AGREEMENT TO TINKER, LLC FOR WATER CONSERVATION EDUCATION PROGRAM UTILIZING THE CITY OF BOYNTON BEACH SOLICITATION NO. RFP 012-2821-19/IT - \$30,000

**Body:** **Recommended Action:**

**Recommendation:** Motion to approve Resolution No. 31-20 to award an agreement to Tinker, LLC for water conservation education program utilizing City of Boynton Beach solicitation No. RFP 021-2821-19/IT, in the estimated amount of \$30,000, and authorize the City Manager to approve renewal options, contingent upon renewal by the awarding authorities and contingent upon the appropriation of funds.

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist Tinker](#)  
[Tinker MSA](#)  
[Tinker Submission - RFP NO 012-2821-19IT - Water Conservation Education Program v1](#)  
[Tinker Resolution 31-20](#)

Approved.

## 7. REGULAR AGENDA:

*Vice Mayor Johnson read the Quasi-Judicial Rules into the record and asked for disclosure of any ex-parte communications.*

Commissioner Boylston stated that he spoke with the applicant briefly.

*The City Clerk swore in those individuals who wished to give testimony on Items 7.A., 7.B., 8.A., 8.B. and 8.C.*

- 7.A. [19-1151](#) RESOLUTION NO. 01-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH GRANTING A WAIVER REQUEST FOR THE INSTALLATION OF A WALL SIGN TO LDR SECTION 4.6.7(E) (7) PURSUANT TO LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, AND THE COMPREHENSIVE PLAN, AT 307 E. ATLANTIC AVENUE (PCN 12-43-46-16-01-092-0060); PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES (QUASI-JUDICIAL).

**Body:** **Recommended Action:**

**Recommendation:** Review and consider Resolution No. 01-20, granting a waiver request for the installation of a wall sign to LDR Section 4.6.7(E)(7) pursuant to Land Development Regulations of the Code of Ordinances, and the Comprehensive Plan, at 307 E. Atlantic Avenue (pcn 12-43-46-16-01-092-0060); providing an effective date and for other purposes.

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

[Res 01-20 307 E. Atlantic Avenue\\_final\\_012120](#)

[Res 01-20 Exhibit A](#)

[Res 01-20 Exhibit B](#)

[Res 01-20 Lionfish - Justification Letter](#)

[307 E Atlantic Ave Location Map](#)

[301 E Atlantic Ave Approved South Elevation](#)

[Res 01-20 Sign Waiver 307 E Atlantic Simple Legal Review](#)

Anthea Gianniotis, Development Services Director, entered File No. 2020-041 into the record. The applicant was present and will be giving a brief presentation.

Jordana Jarjura representing Menin Development gave a presentation regarding a sign waiver and facade upgrade on the property located at 307 East Atlantic Avenue.

Anthea Gianniotis, Development Services Director, gave a brief presentation of the staff report on the sign waiver being requested for this property.

Vice Mayor Johnson asked that anyone from the public who would like to address the City Commission to come forward.

**Public Comment:**

Pauline Moody, unverified address, spoke against this item because she feels there are too many bars in the City and they don't need anymore. She



also feels it is a conflict of interest because Ms. Jarjura was a former City Commissioner.

Mark Gregory, 18 Saline Avenue, addressed the Commission regarding this project and spoke in favor of approving it.

*There being no one else from the public who wished to give testimony, Vice Mayor Johnson closed public comment.*

Vice Mayor Johnson asked Ms. Jarjura if she had any cross-examination or rebuttal. She gave a rebuttal clarifying the conflict of interest issue stating that she has surpassed the two year mark of being prohibited as a former Commissioner to bring business before the City and the current use the property is zoned for is a restaurant, not a bar, and that will be maintained.

Deputy Vice Mayor Bathurst stated that he was in favor of the waiver request and wished the applicant many successes in this new business.

**A motion was made by Deputy Vice Mayor Bathurst, seconded by Commissioner Frankel, that Resolution 01-20 be approved. The motion carried by the following vote:**

**Yes:** 4 - Vice-Mayor Ervin Johnson, Commissioner Frankel, Deputy Vice Mayor Bathurst, and Commissioner Boylston

**Absent:** 1 - Mayor Petrolia

- 7.B. [19-1216](#) RESOLUTION NO. 05-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH GRANTING A WAIVER FOR THE INSTALLATION OF TWO WALL SIGNS TO LDR SECTION 4.6.7(E)(7) PURSUANT TO LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, AND THE COMPREHENSIVE PLAN, AT 324 NE 3RD AVENUE (PCN 12-43-46-16-01-081-0180); PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES (QUASI-JUDICIAL).

**Body:** **Recommended Action:**

**Recommendation:** Review and consider Resolution No. 05-20, granting a waiver for the installation of two wall signs to LDR Section 4.6.7(e)(7) pursuant to Land Development Regulations of the Code of Ordinances, and the Comprehensive Plan, at 324 NE 3rd Avenue (pcn 12-43-46-16-01-081-0180); providing an effective date and for other purposes.

**Attachments:** [Agenda Cover Report](#)  
[Res 05-20-\(012120\)](#)  
[Res No 05-20 Exhibit A](#)  
[Res No. 05-20 Exhibit B](#)  
[324 NE 3rd Ave Sign Waiver Justification Letter](#)

Anthea Gianniotis, Development Services Director, entered File No. 2020-057 into the record. The applicant was present and will be giving a brief presentation.

Vice Mayor Johnson asked for disclosure of all ex-parte communications. There were none.

Mark Gregory, 18 Saline Avenue, owner of MG Concepts, gave a brief presentation of the project. He provided a handout to the City Commission showing the proposed colors of the building.

Anthea Gianniotis, Development Services Director, gave a brief presentation of the staff report regarding this sign waiver.

Vice Mayor Johnson asked that anyone from the public who would like to address the City Commission to come forward.

**Public Comment:**

Pauline Moody, unverified address, asked for clarification on the use of this building because it is not clear from the presentation. She feels it does not fit with the design of properties in Florida and looks like it belongs in California.

*There being no one else from the public who wished to give testimony, Vice Mayor Johnson closed public comment.*

Vice Mayor Johnson asked if the applicant had any cross-examination or rebuttal. He offered a rebuttal to Ms. Moody's comments that the building will have office and retail inside and he does not feel there will be any issues with the homeless.

The City Clerk swore in Josh Abrams, owner of the property being discussed. Mr. Abrams stated that the building is not currently leased as of yet, but his current plan is to get a restaurant tenant on the ground floor and office space in the upper space, to be determined.

Deputy Vice Mayor Bathurst asked for clarification regarding the size of the sign that is allowed on this building. Anthea Gianniotis, Development Services Director, stated the applicant is requesting two waivers, one for the size and the other for the location of the signs. It is currently in the historic district and he feels a mural might be more appropriate for this rather than the sign being proposed.

Commissioner Boylston asked if this project was brought before the Pineapple Grove Arts District Board because it is not within accordance of the approved color palette from the Pineapple Grove District. He would like to see the applicant bring this to the Pineapple Grove Arts District Board first before he would consider approving it.

Commissioner Frankel stated he did not feel the size of this sign would adversely affect the area this building is located in based on the four findings within the LDR.

Commissioner Boylston made a motion to deny Resolution No. 05-20. It was seconded by Deputy Vice Mayor Bathurst.

Discussion ensued with the City Attorney and the Commission regarding the possibility of allowing the applicant time to bring his proposal before the Pineapple Grove Arts District Board and clarification on what constitutes a sign versus a mural.

**A motion was made by Commissioner Boylston, seconded by Deputy Vice Mayor Bathurst, that Resolution No. 05-20 be denied. The motion carried by the following vote:**

**Yes:** 3 - Vice-Mayor Ervin Johnson, Deputy Vice Mayor Bathurst, and Commissioner Boylston

**No:** 1 - Commissioner Frankel

**Absent:** 1 - Mayor Petrolia

City Attorney Gelin explained the outcome to the applicant and the options available to him for a future submission.

- 7.C. [20-073](#) APPROVE SERVICE AUTHORIZATION WITH WANTMAN GROUP INC. (WGI) TO COMPLETE A PARKING AND CURBSIDE MANAGEMENT MASTER PLAN IN THE AMOUNT OF \$192,195.

**Body: Recommended Action:**

**Recommendation:** Motion to approve a Service Authorization with Wantman Group Inc. (WGI) to complete a Parking and Curbside Management Master Plan in the amount of \$192,195 in accordance with Continuing Services Agreement RFQ 2017-048.

**Attachments:** [Agenda Cover Report](#)  
[WGI SA Signed Curbside](#)  
[2017-048 Agreement with Wantman Group](#)  
[2017-048 Amendment No. 1, Wantman Group, Inc.](#)  
[Legal Review Checklist Consulting Service Authorization using CCNA with Wantman Group](#)

Anthea Gianniotis, Development Services Director, gave a brief presentation of the project on how to manage the parking in the downtown area through a Parking & Curbside Management Master Plan.

Discussion ensued with the Commission regarding the parking issues downtown and the truck traffic. They were all in agreement that this master plan has been needed for a very long time and are grateful that it is finally being addressed.

**A motion was made by Commissioner Frankel, seconded by Commissioner Boylston, that Item 7.C. be approved. The motion carried by the following vote:**

**Yes:** 4 - Vice-Mayor Ervin Johnson, Commissioner Frankel, Deputy Vice Mayor Bathurst, and Commissioner Boylston

**Absent:** 1 - Mayor Petrolia

## 8. PUBLIC HEARINGS:

*City Attorney Gelin read Ordinances 44-19, 37-19 and 38-19 into the record.*

- 8.A. [19-1133](#) ORDINANCE NO. 44-19: 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, FOR A PROJECT TO BE KNOWN AS BANYAN COURT, 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. (SECOND READING)

**Body:** **Recommended Action:**

**Recommendation:** Review and consider Ordinance No. 44-19, a privately-initiated request for voluntary annexation of 6.68± acres, subject to Florida Statutes Section 171 and the City of Delray Beach Land Development Regulations.

**Attachments:** [Agenda Cover Report](#)  
[Ordinance No. 44-19 Annexation](#)  
[Location Map Banyan Court](#)  
[October 15, 2018 PZB Staff Report Banyan Cove](#)  
[October 21, 2019 PZB Staff Report | Banyan Court RZ](#)

Anthea Gianniotis, Development Services Director, read File Nos. 2018-162 and 2018-163 into the record and stated that nothing has changed from First Reading to Second Reading.

Bradley Miller of Miller Land Planning representing the applicant addressed the Commission stating his presentation has not changed since First Reading and would answer any questions they may have about the project.

Vice Mayor Johnson asked that anyone from the public who would like to address the City Commission to come forward.

**Public Comment:**

Alice Finst, 707 Place Tavant, addressed the Commission questioning

whether or not the property owner will continue the agricultural activity that is currently taking place.

Pauline Moody, unverified address, spoke regarding this property and whether the City will be charged with the upkeep of the lawn.

*There being no one further from the public who wished to address the City Commission, Vice Mayor Johnson closed the public comments.*

Bradley Miller offered a rebuttal to Ms. First's comment stating there was not any agricultural activity going on, only a house that has been rented out. He clarified that the intent of the property owner is to build a 40-unit, zero lot line townhomes, single-family. The required utilities have all been reviewed by City staff and the lawn maintenance will be covered through the HOA at the expense of the homeowner, not the City.

Anthea Gianniotis, Development Services Director, further clarified that once this property is annexed to the City it will be assigned medium density residential and the zoning will be PRD6 tying it into the master plan that was submitted by the applicant.

**A motion was made by Commissioner Boylston, seconded by Commissioner Frankel, that Ordinance 44-19 be approved. The motion carried by the following vote:**

**Yes:** 4 - Vice-Mayor Ervin Johnson, Commissioner Frankel, Deputy Vice Mayor Bathurst, and Commissioner Boylston

**Absent:** 1 - Mayor Petrolia

- 8.B. [19-1134](#) ORDINANCE NO. 37-19. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE FUTURE LAND USE MAP AMENDMENT FOR THREE (3) PARCELS OF LAND KNOWN AS BANYAN COURT, AND RE-DESIGNATING SAID LAND FROM PALM BEACH COUNTY MEDIUM DENSITY RESIDENTIAL 5 UNITS PER ACRE (MR-5) TO CITY OF DELRAY BEACH MEDIUM DENSITY RESIDENTIAL 5-12 DU/AC (MD), PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT", FLORIDA STATUTES SECTION 163.3187, SAID LAND IS LOCATED ON THE EAST SIDE OF BARWICK ROAD, AND IMMEDIATELY SOUTH OF LAKE WORTH DRAINAGE DISTRICT L-30 CANAL, AND WHICH MEASURES APPROXIMATELY 6.68± ACRES, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (SECOND READING).

**Body: Recommended Action:**

**Recommendation:** Review and consider Ordinance No. 37-19, a privately initiated request for a future land use map (FLUM) amendment for 6.68± acres, from Palm Beach County Medium Residential, 5 du / acre (MR-5) to City of Delray Beach Medium Density Residential, 5-12 du / acre (MD).

**Attachments:** [Agenda Cover Report](#)  
[Ordinance No. 37-19 FLUM](#)  
[Banyan Court FLUM Exhibit](#)  
[Location Map Banyan Court](#)  
[October 15, 2018 PZB Staff Report](#)  
[October 21, 2019 PZB Staff Report \(Rezoning\)](#)

**A motion was made by Commissioner Boylston, seconded by Commissioner Frankel, that Ordinance 37-19 be approved. The motion carried by the following vote:**

**Yes:** 4 - Vice-Mayor Ervin Johnson, Commissioner Frankel, Deputy Vice Mayor Bathurst, and Commissioner Boylston

**Absent:** 1 - Mayor Petrolia

- 8.C. [19-1135](#) ORDINANCE NO. 38-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING LAND PRESENTLY ZONED PALM BEACH COUNTY AGRICULTURAL RESIDENTIAL (AR) DISTRICT IN PART AND RESIDENTIAL HIGH (RH) DISTRICT IN PART, TO CITY OF DELRAY BEACH PLANNED RESIDENTIAL DEVELOPMENT WITH A SPECIFIED DENSITY OF SIX (6) DWELLING UNITS PER ACRE (PRD-6), FOR A DEVELOPMENT TO BE KNOWN AS BANYAN COURT, LOCATED ON THE EAST SIDE OF BARWICK ROAD, IMMEDIATELY SOUTH OF LAKE WORTH DRAINAGE DISTRICT L-30 CANAL, AND WHICH MEASURES APPROXIMATELY 6.68± 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)

**Body: Recommended Action:**

**Recommendation:** Review and consider Ordinance No. 38-19 rezoning 6.68± acres from Palm Beach County Agriculture Residential (AR) and Residential High (RH) to City of Delray Beach Planned Residential Development, 6 du / acre (PRD-6).

**Attachments:** [Agenda Cover Report](#)  
[Ordinance No. 38-19 PRD6](#)  
[Location Map Banyan Court](#)  
[Banyan Court Proposed Zoning](#)  
[Banyan Court Existing Zoning](#)  
[Banyan Court Renderings](#)  
[Banyan Court Site Plan](#)  
[Banyan Court Architecturals](#)  
[October 21, 2019 PZB Staff Report](#)  
[October 15, 2018 PZB Staff Report](#)

**A motion was made by Commissioner Boylston, seconded by Deputy Vice Mayor Bathurst, that Ordinance 38-19 be approved. The motion carried by the following vote:**

**Yes:** 4 - Vice-Mayor Ervin Johnson, Commissioner Frankel, Deputy Vice Mayor Bathurst, and Commissioner Boylston

**Absent:** 1 - Mayor Petrolia

## 9. FIRST READINGS:

9.A. None

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



**A. City Manager**

None.

**B. City Attorney**

None.

**C. City Commission****Commissioner Frankel made the following comments:**

- Excited about the Delray Beach Open coming up.
- Would like to present the Keys to the City to the Bryan brothers because it would show great recognition and use of sports tourism.

**Deputy Vice Mayor Bathurst made the following comments:**

- Welcomed the City Manager to his 2nd meeting and appreciates his efforts in getting the vacant positions filled.
- Thanked Olga Adler for utilizing the ad valorem tax incentive to improve a property located in the historic district.
- Thrilled about the parking management plan that was approved today.

**Commissioner Boylston made the following comments:**

- Since the last three recipients of the Keys to the City were sports athletes, he would like to see the City Commission explore other options for the recognition like Mr. Simon or Mr. Strong because of their dedication and accomplishments in the City.
- Commented about the school meeting at Carver Middle School and plans to be involved in that.
- Judged the Ethics Bowl held at FAU and Atlantic High School won the event.
- Attended the MLK Breakfast and was concerned about several comments that he received about an effort to replace Delray's only minority representative with a white candidate in the upcoming election. He is calling this out because it is not okay.

**Vice Mayor Johnson made the following comments:**

- Attended the MLK Ecumenical service on Sunday and the theme was "Keep the Dream Alive" and the emphasis was placed on service to the community. MLK's dream was to end war, racism and poverty and she challenged each person in attendance on how they were going to "Keep the Dream Alive."
- Thanked her colleagues for their patience as she ran the meeting.

Commissioner Frankel moved to adjourn the meeting. It was seconded by Commissioner Boylston.

There being no further business to discuss, Vice Mayor Johnson adjourned the meeting at 5:32 p.m.