

**SPECIAL MEETING  
NOVEMBER 30, 2010**

A Special Meeting of the City Commission of the City of Delray Beach, Florida, was called to order by Mayor Nelson S. McDuffie in the Commission Chambers at City Hall at 7:00 p.m., on Tuesday, November 30, 2010.

Roll call showed:

Present -                   Commissioner Fred B. Fetzter  
                                  Commissioner Adam Frankel  
                                  Commissioner Angeleta E. Gray  
                                  Mayor Nelson S. McDuffie

Absent -                    Commissioner Gary P. Eliopoulos

Also present were -      David T. Harden, City Manager  
                                  Brian Shutt, City Attorney  
                                  Chevelle D. Nubin, City Clerk

Mayor Nelson S. McDuffie called the special meeting to order and announced that it had been called for the purpose of considering the following Items.

1. **ORDINANCE NO. 43-10 (FIRST READING/FIRST PUBLIC HEARING):** City initiated rezoning from County CG (General Commercial) to City PC (Planned Commercial) for the Marketplace of Delray, located at the northwest corner of West Atlantic Avenue and Military Trail. If passed, a second public hearing will be held on December 14, 2010. (***PUBLIC HEARING***)

The caption of Ordinance No. 43-10 is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ESTABLISHING INITIAL CITY ZONING OF PC (PLANNED COMMERCIAL); SAID LAND LOCATED AT THE NORTHWEST CORNER OF MILITARY TRAIL AND WEST ATLANTIC AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING "ZONING MAP OF DELRAY BEACH, FLORIDA, "OCTOBER 2009"; PROVIDING A GENERAL REPEALER CLAUSE, A SAVING CLAUSE, AND AN EFFECTIVE DATE.

(The official copy of Ordinance No. 43-10 is on file in the City Clerk's office.)

The City Attorney read the caption of the ordinance. A public hearing was held having been legally advertised in compliance with the laws of the State of Florida and the Charter of the City of Delray Beach, Florida.

Ron Hoggard, AICP, Principal Planner, presented this item. He provided background information on the city-initiated annexation (via the provisions of an executed Agreement for Water Service and Consent to Annexation) of the "Marketplace of Delray", a 30.26 acres shopping center with several outparcels, located within the "Four Corners" overlay district at the northwest corner of West Atlantic Avenue and Military Trail. He stated that the rezoning is going concurrent with a FLUM (Future Land Use Map) Amendment that is part of Comprehensive Plan Amendment 2010-1 which already went to the State. There will be a second reading on December 14, 2010. The rezoning will be from Palm Beach County CG (General Commercial District) to City PC (Planning Commercial District). He briefly discussed the findings outlined in the Planning & Zoning staff report of July 19, 2010.

At its meeting of July 19, 2010, the Planning and Zoning Board considered this request and unanimously recommended approval with a 6 to 0 vote.

Mr. Eliopoulos moved to approve Ordinance No. 43-10 on FIRST Reading, seconded by Mrs. Gray. Upon roll call the Commission voted as follows: Mr. Fetzer – Yes; Mr. Frankel – Yes; Mrs. Gray – Yes; Mayor McDuffie – Yes. Said motion passed with a 4 to 0 vote.

2. **ORDINANCE NO. 18-10:** Consider approval of a city-initiated annexation (via the provisions of the executed Agreement for Water Service and Consent to Annexation) for the Marketplace of Delray, located at the northwest corner of West Atlantic Avenue and Military Trail. If passed, a public hearing will be held on December 14, 2010. (*FIRST READING*)

The caption of Ordinance No. 18-10 is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ANNEXING TO THE CITY OF DELRAY BEACH, A PARCEL OF LAND LOCATED AT THE NORTHWEST CORNER OF MILITARY TRAIL AND WEST ATLANTIC AVENUE, AS THE SAME IS MORE PARTICULARLY DESCRIBED HEREIN, WHICH LAND IS CONTIGUOUS TO EXISTING MUNICIPAL LIMITS; REDEFINING THE BOUNDARIES OF THE CITY TO INCLUDE SAID LAND; PROVIDING FOR THE RIGHTS AND OBLIGATIONS OF SAID LAND; PROVIDING A GENERAL REPEALER CLAUSE, A SAVING CLAUSE, AND AN EFFECTIVE DATE.

(The official copy of Ordinance No. 18-10 is on file in the City Clerk's office.)

The City Attorney read the caption of the ordinance. A public hearing was held having been legally advertised in compliance with the laws of the State of Florida and the Charter of the City of Delray Beach, Florida.

Ron Hoggard, AICP, Principal Planner, presented this item and discussed the financial impact referencing property taxes. He also discussed the issues with the existing gas station and hours of the Ugly Mug, an outparcel at the shopping center.

At its meeting of July 19, 2010, the Planning and Zoning Board considered this request and unanimously recommended approval with a 6 to 0 vote.

Mrs. Gray moved to approve Ordinance No. 18-10 on FIRST Reading, seconded by Mr. Frankel. Upon roll call the Commission voted as follows: Mr. Frankel – Yes; Mrs. Gray – Yes; Mayor McDuffie – Yes; Mr. Fetzer – Yes. Said motion passed with a 4 to 0 vote.

3. **ORDINANCE NO. 20-10:** Consider approval of a privately initiated rezoning from RM (Medium Density Residential) to GC (General Commercial) for Lintco Development, located at the northwest corner of Linton Boulevard and S.W. 4<sup>th</sup> Avenue. If passed, a public hearing will be held on December 14, 2010. (*FIRST READING*)

The caption of Ordinance No. 20-10 is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND PLACING LAND PRESENTLY ZONED RM (MEDIUM DENSITY RESIDENTIAL) DISTRICT TO GC (GENERAL COMMERCIAL) DISTRICT; SAID LAND BEING A PARCEL LOCATED AT THE NORTHWEST CORNER OF LINTON BOULEVARD AND SW 4<sup>TH</sup> AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING "ZONING MAP OF DELRAY BEACH, FLORIDA, OCTOBER 2009"; PROVIDING A GENERAL REPEALER CLAUSE, A SAVING CLAUSE, AND AN EFFECTIVE DATE.

(The official copy of Ordinance No. 20-10 is on file in the City Clerk's office.)

The City Attorney read the caption of the ordinance. A public hearing was held having been legally advertised in compliance with the laws of the State of Florida and the Charter of the City of Delray Beach, Florida.

Ron Hoggard, AICP, Principal Planner, presented this item. He provided background information on the privately-initiated rezoning from Medium RM (Medium Density Residential) to GC (General Commercial) for twelve (12) individual and contiguous properties known as "Lintco Development", located at the northwest corner of Linton Boulevard and N.W. 4<sup>th</sup> Avenue.

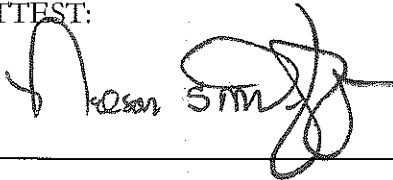
At its meeting of July 19, 2010, the Planning and Zoning Board considered this request and unanimously recommended approval with a 6 to 0 vote.

Mr. Frankel moved to approve Ordinance No. 20-10 on FIRST Reading, seconded by Mrs. Gray. Upon roll call the Commission voted as follows: Mrs. Gray – Yes; Mayor McDuffie – Yes; Mr. Fetzer – Yes; Mr. Frankel – Yes. Said motion passed with a 4 to 0 vote.

Mayor Nelson S. McDuffie adjourned the Special Meeting at 7:30 p.m.

  
\_\_\_\_\_  
City Clerk

ATTEST:

  
\_\_\_\_\_  
MAYOR

The undersigned is the City Clerk of the City of Delray Beach, Florida, and the information provided herein is the Minutes of the Special Meeting of the City Commission held on Tuesday, November 30, 2010, which Minutes were formally approved and adopted by the City Commission on December 14, 2010.

  
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City Clerk

**NOTE TO READER:** If the Minutes you have received are not completed as indicated above, this means they are not the official Minutes of the City Commission. They will become the official Minutes only after review and approval, which may involve amendments, additions or deletions to the Minutes as set forth above.