

RESOLUTION NO. 58-25

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING AN IN-LIEU OF PARKING FEE REQUEST FOR THE PROJECT KNOWN AS SWINTON SOCIAL, LOCATED AT 27 S. SWINTON AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT CONSISTENT WITH THE APPROVAL HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Icon Development Holdings, LLC, (“Owner”) is the owner of a parcel of land measuring approximately 0.73 acres located at 27 S. Swinton Avenue, Delray Beach, Florida 33444 (“Property”), as more particularly described in Exhibit “A” attached hereto and incorporated herein; and

WHEREAS, the Property is zoned Old School Square Historic Arts District (“OSSHAD”) within the locally and nationally designated Old School Square Historic District; and

WHEREAS, the City of Delray Beach, Florida (“City”) received a Class V Site Plan Modification, Certificate of Appropriateness application (File No. 2011-178) from the Owner associated with the Property seeking to construct Swinton Social Delray (“Project”), which includes the adaptive reuse of four (4) existing contributing single-family residential structures to restaurant and personal spa use; and

WHEREAS, pursuant to the Land Development Regulations of the City of Delray Beach (“LDR”), the amount of parking spaces required for the Project is 53 spaces; and

WHEREAS, the Project has 33 of the required 53 parking spaces necessary for the approved uses on site; and

WHEREAS, for properties zoned OSSHAD, Section 4.4.24(G)(5) of the LDR provides an option to pay a fee in-lieu of providing the required parking spaces as provided in LDR Section 4.6.9(G), ; and

WHEREAS, the Owner is eligible to request an in-lieu of parking fee pursuant to LDR Section 4.6.9(G)(2)(b); and

WHEREAS, LDR Section 2.4.11(F)(1), provides that an incentive to promote historic preservation, to maintain the moderate scale of the downtown, and to encourage revitalization and adaptive reuse by providing an alternative method to meet off-street parking requirements; and

WHEREAS, Resolution No. 80-24 amended the schedule of In-Lieu of Parking Fees per designated area; and

WHEREAS, the Project is located within Area 2, which sets forth an in-lieu of parking fee of \$13,180 per space; and

WHEREAS, the Owner is requesting to pay a fee of \$263,600.00 in lieu of providing 20 of the 53

required parking spaces on the Property; and

WHEREAS, LDR Section 2.4.11(F)(5) requires that prior to approving an in-lieu of parking fee request for a historic property, the approving body must make the following findings:

- (b) The in-lieu of parking fee request supports at least one of the following City policy driven goals:
  - 1. Preservation of a historic structure by allowing its use, adaptive reuse, or expansion while maintaining the character of the property or historic district by avoiding excessive use of historic properties for parking; or
  - 2. Investment in the West Atlantic Neighborhood Sub-district consistent with the West Atlantic Master Plan; or
  - 3. Adaptive reuse or expansion of an existing building resulting in a building not more than a total of two stories in height.
- (c) The in-lieu of parking fee request does not facilitate development that will demolish the following types of structures within the Central Business (CBD) District or Old School Square Historic Arts District (OSSHAD) zoning:
  - 1. An individually designated or contributing historic structure in a historic district;
  - 2. A non-contributing structure that is at least 35 years old in a historic district, unless the Historic Preservation Board makes a finding that the building should not be reclassified to contributing; or
  - 3. Any structure that has been identified for potential designation through a resource survey.

WHEREAS, at its meeting of May 7, 2025, the Historic Preservation Board voted 4 to 0 to recommend approval to the City Commission of the requested In-Lieu of Parking fee; and

WHEREAS, the City Commission has considered this in lieu of parking fee request and has considered the respective findings as set forth in the Land Development Regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are hereby incorporated herein by this reference and are approved.

Section 2. The City Commission makes positive findings that the request is consistent with the Land Development Regulations, City Comprehensive Plan, and all currently adopted City policies and/or studies.

Section 3. The City Commission makes positive findings pursuant to LDR Section 2.4.11(F)(5) that the in-lieu of parking request supports the preservation of a historic structure by allowing its use,

adaptive reuse, or expansion while maintaining the character of the property or historic district by avoiding excessive use of historic properties, and does not facilitate development that will demolish an individually designated or contributing historic structure in a historic district, a non-contributing structure that is at least 35 years old in a historic district, or any structure that has been identified for potential designation through a resource survey.

Section 4. The City Commission approves the Owner's request to pay a fee of \$263,600.00 in-lieu of providing the 20 required parking spaces for the new development.

Section 5. The City Commission authorizes the City Manager to execute an agreement consistent with the approval herein.

Section 6. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Anthony D. Shafer, Icon Development Holdings II LLC, 7957 N. University Drive, Suite 327, Parkland, Florida 33067.

Section 7. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 8. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

ATTEST:

\_\_\_\_\_  
Alexis Givings, City Clerk

\_\_\_\_\_  
Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Lynn Gelin, City Attorney

## Legal Description of Property

### PARCEL 1:

Lot 11, Block 69, Subdivision of Block 69 Delray Florida, according to the plat thereof, as recorded in  
Plat Book 2, Page 43, of the Public Records of Palm Beach County, Florida.

### PARCEL 2:

Lot 12, Block 69, Subdivision of Block 69 Delray Florida, according to the plat thereof, as recorded in  
Plat Book 2, Page 43, of the Public Records of Palm Beach County Florida.

### PARCEL 3:

Lot 13, Block 69, Subdivision of Block 69 Delray Florida, according thereof, as recorded in  
Plat Book 2, Page 43, of the Public Records of Palm Beach County, Florida.

### PARCEL 4:

Lots 14 and 15, Block 69, Subdivision of Block 69 Delray Florida, according to the plat thereof, as  
recorded in Plat Book 2, Page 43, of the Public Records of Palm Beach County, Florida.

### LESS AND EXCEPT FROM ALL THE ABOVE:

Those lands conveyed to City of Delray Beach, Florida, in Right of Way Deed recorded March 10, 2017,  
in Official Records Book 28942, Page 620, of the Public Records of Palm Beach County, Florida.

### PARCEL 5:

Lot 11, Block 70, Amended Plat of Sundy and Cramer's Subdivision of Block 70 Original Town of  
Linton (Now Delray), according to the plat thereof, as recorded in Plat Book 6, Page 17, of the Public  
Records of Palm Beach County, Florida.

### LESS AND EXCEPT:

Those lands conveyed to City of Delray Beach, Florida, in Right of Way Deed recorded February 23,  
2015, in Official Records Book 27354, Page 441, of the Public Records of Palm Beach County,  
Florida.