

RESOLUTION NO. 53-26

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING THE RECONSIDERATION OF RESOLUTION NO. 62-23 APPROVING AN IN-LIEU OF PARKING FEE REQUEST FOR THE PROPERTY LOCATED AT 302 NE 6<sup>TH</sup> AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; SCHEDULING A QUASI- JUDICIAL HEARING TO RECONSIDER THE PARKING REQUIREMENT FOR THE PROPERTY ON MARCH 9, 2026 AT 5:00 PM OR ANYTIME THEREAFTER; DIRECTING CITY STAFF TO NOTICE THE PROPERTY OWNER; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, on April 18, 2023, the City Commission approved Resolution No. 62-23 granting an in lieu of parking request for Subculture Coffee Delray (the “Hearing”) located at 302 NE 6<sup>th</sup> Avenue, Delray Beach, Florida, (the “Property”); and

WHEREAS, as part of the approval, the property owner was granted 5 in lieu of parking spaces based on representations made during the Hearing; and

WHEREAS, at the Hearing, the property owner made representations to the City Commission; specifically, the property owner assured a “grab and go” restaurant wherein most patrons would spend a limited amount of time at the Property; and

WHEREAS, to date, the Property has not been used in the manner in which it was portrayed to the City Commission at the Hearing; and

WHEREAS, Section 1.4.3, Enforcement, of the Land Development Regulations of the City of Delray Beach (the “LDR”) provides that the City Commission can take any lawful action necessary to prevent or remedy a violation of the City’s Code of Ordinances (the “Code”) and the LDR; and

WHEREAS, to date, the property owner has held concerts and events inconsistent with a “grab and go” restaurant that have caused negative impacts to the surrounding community and violations of the Code and LDR; and

WHEREAS, the City Commission desires to reconsider the parking requirement for the Property in light of the present and recurring use of the Property since its opening in 2023 that is inconsistent with the City’s approvals; and

WHEREAS, the City Commission considered this Resolution, and finds it is in the best of interest of the City to approve same.

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 desires to reconsider the parking requirements for the Property as provided in Resolution No. 62-23 in light of the violations of the Code and to prevent further violations of same.

Section 3. The City Commission directs the City Manager to schedule a quasi-judicial hearing for the consideration the parking requirement for the Property located at 302 N.E. 6<sup>th</sup> Avenue on March 17, 2026 at 5:00 p.m.

Section 4. A copy of this Resolution shall be sent by certified mail to Rodney Mayo, c/o Subculture Coffee Delray, 302 N.E. 6<sup>th</sup> Avenue, Delray Beach, FL, 33444.

Section 5. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 6. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the \_\_\_\_\_ day of \_\_\_\_\_, 2026.

ATTEST:

\_\_\_\_\_  
Katerri Johnson, City Clerk

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Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

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Lynn Gelin, City Attorney