

RESOLUTION NO. 266-25

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A WAIVER TO SECTION 4.4.3(F)(2)(B) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW A FLOOR AREA RATIO OF 0.44 FOR THE PROPERTY LOCATED AT 101 NW 17TH STREET, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, 101 Elite LLC (“Owner”), is the owner of a parcel of land measuring approximately 0.2 acres located at 101 NW 17th Street (“Property”), as more particularly described in Exhibit “A”; and

WHEREAS, the Property is zoned Single Family Residential R-1-AA and is located within the Lake Ida Neighborhood Overlay District; and

WHEREAS, on April 16, 2025, the City of Delray Beach, Florida (“City”), issued a Building Permit (File No. 25-222790) to construct a two-story single-family house (“Project”); and

WHEREAS, City received an application (File No. PZ-000342-2025) requesting approval of a waiver to the maximum floor area ratio; and

WHEREAS, LDR Section 4.4.3(F)(2)(b) allows a maximum floor area ratio of 0.35 and 0.44 is requested; and

WHEREAS, LDR Section 2.4.11(B)(5) requires the approving body to make a finding that the granting of a waiver:

- (a) Shall not adversely affect the neighboring area;
- (b) Shall not significantly diminish the provision of public facilities;
- (c) Shall not create an unsafe situation; and,
- (d) Does not result in the grant of a special privilege in that the same waiver would be granted under a similar circumstance on other property for another applicant or owner; and

WHEREAS, on December 8, 2025, the City Commission considered the waiver request as well as the Comprehensive Plan and respective criteria and 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. That the foregoing recitals are hereby affirmed and ratified.

Section 2. The City Commission makes positive findings that the requested waiver (1) does not

adversely affect the neighboring area, (2) does not significantly diminish the provision of public facilities, (3) does not create an unsafe situation, and (4) does not result in the grant of a special privilege in that the same waiver would be granted under a similar circumstance on other property for another applicant or owner.

Section 3. The City Commission approves the waiver request to LDR Section 4.4.3(F)(2)(b) to allow a floor area ratio of 0.44.

Section 4. The City Commission approves the Project by finding that the approved waiver is consistent with the Comprehensive Plan and meets the respective criteria and findings as set forth in the Land Development Regulations.

Section 5. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Elite Property Development, 6770 Congress Avenue, Boca Raton, FL 33487.

Section 6. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 7. 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

Exhibit "A"

THE EAST 35 FEET OF LOT 9 AND WEST 35 FEET OF LOT 10, BLOCK B, "PLAT OF ADDITION TO HIGH ACRES", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 24, PAGE 19, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.