

RESOLUTION NO. 238-25

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A WAIVER TO SECTION 4.4.13(F)(4)(b)2. OF THE 2013 LAND DEVELOPMENT REGULATIONS TO REDUCE THE FRONT SETBACK REQUIREMENT FROM FIVE FEET TO TWO FEET SIX INCHES, FOR THE PROJECT LOCATED AT 601 AND 777 EAST ATLANTIC AVENUE, ALSO KNOWN AS ATLANTIC CROSSING, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Edwards Atlantic Avenue, LLC, and Edwards Intracoastal, LLC, (collectively referred to as “Owners”), are the owners of two parcels of land measuring approximately 9.22 acres located at 601 and 777 East Atlantic Avenue (collectively referred to as the “Property”), as more particularly described in Exhibit “A”; and

WHEREAS, Owners designated Bryce Hall (“Applicant”) to act as their agent regarding the Property; and

WHEREAS, the Property is zoned Central Business District (“CBD”) within the Central Core Sub-district and Community Facilities (“CF”); and

WHEREAS, on January 21, 2014, City Commission approved a Class V Site Plan, Architectural Elevations, and Landscape Plan (File No. 2013-196) for a mixed-use development composed of retail, restaurant, office, and residential units (“Original Project”); and

WHEREAS, after a dispute arose between the City and the developer of the Original Project (United States District Court for the Southern District of Florida Case No. 9:15-CV-81405-DMM), on April 12, 2017, the City Commission approved a Settlement Agreement that required the City of Delray Beach, Florida (“City”) to apply the 2013 Land Development Regulations and Comprehensive Plan to the project; and

WHEREAS, the City received a Level 1 Site Plan, Architectural Elevations, Landscape Plan (File No. PZ-000021-2025) and a waiver request (File No. PZ-000182-2025) from the Applicant for a modification to Building IV-S (“Project”); and

WHEREAS, Section 4.4.13(F)(4)(a)2. of the 2013 Land Development Regulations of the City of Delray Beach (“LDR”) requires a front setback of a minimum of 5 feet; and

WHEREAS, the Project proposes a front setback of 2 feet 6 inches for Building IV-S along NE 7th Avenue; and

WHEREAS, LDR Section 2.4.7(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, LDR Section 2.1.5(E)(5)(k), requires the Planning and Zoning Board to make a recommendation to the City Commission as to requests for relief to the requirements of the Central Business District prior to the consideration of an associated site plan application; and

WHEREAS, on November 17, 2025, the Planning and Zoning Board voted 7 to 0 to recommend approval of the waiver request to the City Commission; 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. 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 Section 4.4.13(F)(4)(b)2. of the 2013 Land Development Regulations to reduce the front setback for Building IV-S along NE 7th Avenue to 2 feet 6 inches.

Section 4. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Bryce Hall at 2555 Walnut Street, Denver, CO 80205.

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 _____, 2025.

ATTEST:

Alexis Givings, City Clerk

Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

Exhibit "A"

TRACT A, "ATLANTIC CROSSING", ACCORDING TO THE PLAT THEREOF, AS
RECORDED IN PLAT BOOK 125, PAGE 80 OF THE PUBLIC RECORDS OF PALM BEACH
COUNTY, FLORIDA