



## Cover Memorandum/Staff Report

File #: 25-825

Agenda Date: 7/8/2025

Item #: 7.A.

**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** Terrence R. Moore, ICMA-CM  
**DATE:** July 8, 2025

RESOLUTION NO. 128-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A LEVEL 4 SITE PLAN, ARCHITECTURAL ELEVATIONS, AND LANDSCAPE PLAN AND APPROVING A WAIVER TO SECTION 4.6.16(H)(3)(a) OF THE LAND DEVELOPMENT REGULATIONS TO REDUCE THE REQUIRED FIVE-FOOT LANDSCAPE STRIP BETWEEN OFF-STREET PARKING OR OTHER VEHICULAR USE AREAS AND ADJACENT PUBLIC RIGHTS-OF-WAY TO A RANGE BETWEEN ZERO FEET AND FOUR FEET, FOUR INCHES FOR THE PROJECT KNOWN AS THE MAXWELL, LOCATED AT 306 NE 2ND STREET, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

### **Recommended Action:**

Review and consider Resolution No. 128-25, approval of a Level 4 Site Plan, Architectural Elevations, and Landscape Plan with one waiver request and a loading determination of adequacy, to construct a four-story, mixed-use retail and residential development located at 306 NE 2<sup>nd</sup> Street.

### **Background:**

The subject property is 0.856 acres, comprising two lots bisected by NE 2<sup>nd</sup> Street. The southern lot, located south of NE 2<sup>nd</sup> Street is developed with a two-story, 6,011 square-foot commercial building constructed in 1948. This portion of the site is zoned Central Business District (CBD), Central Core Sub-district. The lot north of NE 2<sup>nd</sup> Street, currently functioning as a surface parking lot, is zoned Central Business District (CBD), Railroad Corridor Sub-district. The development fronts two primary streets; NE 2nd Street to the north and NE 4th Avenue to the east, while it is bounded by Railroad Street to the south and the Florida East Coast Railway (FEC) to the west.

On August 17, 2023, Development Services Management Group (DSMG), determined that a 25-foot right-of-way along Railroad Street would be acceptable given the street's physical limitations and surrounding built environment. Accordingly, no additional right-of-way is required.

On July 10, 2024, the Downtown Development Authority (DDA) reviewed the proposal and issued a recommendation of approval.

On October 1, 2024, the City Commission approved multiple requests associated with the development, following recommendations from the Planning and Zoning Board, as follows:

- Resolution No. 176-24:** The utilization of Art Deco as the proposed architectural style.
- Resolution No. 177-24:** A waiver from LDR Section 4.4.13(E)(2)(a), allowing a

streetscape width of 11 feet, 2 inches instead of the required 15 feet.

- Resolution No. 178-24:** A waiver from LDR Section 4.4.13(D)(2)(a)1, allowing a reduction of the required front setback for the ground, second and third floor.
- Resolution No. 179-24:** A waiver from LDR Section 4.4.13(G)(1)(b), allowing a reduction of the required civic open space from 841 to 778 square feet.

The current Level 4 Site Plan builds upon the previously granted approvals, the site's inherent physical constraints, and its surrounding urban context. The application includes one landscape waiver and a request for a determination of adequacy for off-site loading. The proposal entails the construction of a four-story, mixed-use building consisting of 23 multi-family residential units and 2,651 square feet of ground floor retail space. The residential component features a mix of unit types ranging in size from 776 to 1,865 square feet and includes one- and three-bedroom dwelling units, designed to serve a variety of household types. In addition, the project incorporates rooftop amenities above the fourth level, including a swimming pool, fitness facility, meeting room, restrooms, and a designated pet relief area, providing residents with recreational and communal spaces within the urban core.

Parking for the development is provided through 47 off-street spaces within the linear parking lot directly across NE 2nd Street, along with three new on-street spaces constructed on NE 2nd Street as part of the site improvements. The current parking layout spans 480.26 feet in length by 50 feet in width. Given the parcel's limited width, compliance with dimensional regulations for both the standard parking layout and the required 5-foot landscape strip is not feasible without reducing parking capacity. Additionally, the landscape strip shall remain free of vehicle encroachments.

To maximize parking efficiency while addressing physical limitations, the proposal includes a two-foot vehicle overhang, signage designating reserved residential spaces, and an Electric Vehicle (EV) concrete pad, all encroaching into the required 5-foot landscape strip. As a result, the applicant is requesting a waiver to allow the following Landscape strip reductions along the length of the parking lot:

- 0 feet** where the EV pad is located.
- 1.4 feet** along the area with signage.
- 2.3 feet** in the remaining sections to the north.
- 4.3 feet** along a portion of the compact parking spaces

The mixed-use development is situated within a highly constrained urban block, bordered on three sides by public rights-of-way and along its western edge by the FEC Railroad corridor. These conditions significantly limit site design flexibility and preclude full compliance with certain dimensional requirements.

Pursuant to LDR Section 4.6.10, two designated loading spaces are required on-site for a development of this size. Each loading berth measures 12 feet by 30 feet and are intended to facilitate efficient and safe loading and unloading operations for commercial and residential activities. Due to the limited size of the portion of the property the building is located on and the available adjacent public infrastructure, specifically Railroad Street, which functions as an alley, though with a wider right-of-way width, the proposed development proposes to omit on-site loading. The applicant proposes utilizing Railroad Street as the designated loading area, presenting it as a feasible

alternative under the circumstances.

While this solution addresses certain logistical challenges, it also raises concerns regarding the potential adverse impacts on the existing street network and the adjacent residential areas. The proposed loading room into the building also serves as a trash room. This configuration may compromise the building's overall functionality, potentially affecting both operational efficiency and the quality of life for nearby residents.

Waiver Request: LDR Section 4.6.16(H)(3)(a), Relief from the required 5-foot landscape strip between the off-street parking area and the right-of-way.

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

- (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.

On June 16, 2025, The Planning and Zoning Board (PZB) voted 6 to 0 to recommend approval of the application.

The development is now before the City Commission for final action. Additional background and a complete analysis of the request are provided in the attached Planning and Zoning Board staff report.

**City Attorney Review:**

Legal Review approval

**Funding Source/Financial Impact:**

Not applicable.

**Timing of Request:**

Approval of the Level 4 Site Plan, Architectural Elevations, and Landscape Plan with waiver and loading demand request is required prior to site plan certification.