

RESOLUTION NO. 130-22

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING IN-LIEU OF PARKING FEE REQUEST FOR THE PROJECT KNOWN AS CITY CENTER DELRAY, 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, MDG Banyan Delray, LLC, ("Owner") is the owner of a parcel of land measuring approximately 0.76 acres including all of Lots 13-16, Block 60; and

WHEREAS, the City of Delray Beach, Florida received a Class V Site Plan Modification, Certificate of Appropriateness application (File No. 2022-060) from the Owner associated with the property abutting the intersection of North Swinton Avenue and West Atlantic ("Property") seeking to construct City Center Delray ("Project"), including a new 3-story structure and improvements to the existing Doc's building; and

WHEREAS, the Property is zoned Old School Square Historic Arts District ("OSSHAD") with Central Business District ("CBD") Overlay, within the locally and nationally designated Old School Square Historic District; and

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

WHEREAS, for properties zoned OSSHAD with CBD Overlay, Section 4.4.13(I)(3)(a)(6) of the LDR provides an option to pay a fee in-lieu of the required parking, provided certain criteria are met, if the required parking is not or cannot be provided on-site or off-site; and

WHEREAS, LDR Section 4.4.13(I)(2)(g), provides that properties located within 750 feet of a public parking garage may opt to use the in-lieu fee option as provided in Section 4.6.9(E)(3) for up to 50 percent of the required off-street parking amount and 30 percent for restaurant uses; and

WHEREAS, the Project is located within 740 feet of the Federspiel parking garage; and

WHEREAS, the Project is located within Area 2, which sets forth an in-lieu of parking fee of \$10,140 per space; and

WHEREAS, the Owner is requesting to pay a fee of \$253,500.00 in lieu of providing 25 of the 53 required parking spaces on the Property; and

WHEREAS, at its meeting of August 3, 2022, the Historic Preservation Board voted 6 to 0 to recommend approval to the City Commission of the requested In-Lieu of Parking fee; and

WHEREAS, pursuant to LDR Section 2.4.5(O)(5), the City Commission must make findings that the request is consistent with the Land Development Regulations, City Comprehensive Plan, and all currently adopted City policies and/or studies.

WHEREAS, LDR Section 2.4.5(O)(5) requires that for in-lieu requests, the City Commission make an additional finding that adequate public parking options are available; and

WHEREAS, the City Commission considered this In Lieu 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 that adequate public parking options are available.

Section 4. The City Commission approves the Owner's request to pay a fee of \$253,500.00 in-lieu of providing the 25 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. 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 _____, 2022.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney