



Cover Memorandum/Staff Report

File #: 26-0233

Agenda Date: 3/9/2026

Item #: 7.D.

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Director
THROUGH: Terrence R. Moore, ICMA-CM
DATE: March 9, 2026

RESOLUTION NO. 56-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A LEVEL 4 SITE PLAN, ARCHITECTURAL ELEVATIONS, LANDSCAPE PLAN AND WAIVER REQUEST TO SECTION 4.4.13(D)(2)(a)3.a. OF THE LAND DEVELOPMENT REGULATIONS TO REDUCE THE 20-FOOT FRONT SETBACK DEPTH ABOVE THE THIRD STORY TO 17 FEET, 11 INCHES FOR THE PROJECT LOCATED AT 398 NE 6TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL)

Recommended Action:

Review and consider Resolution No. 56-26, approval of a Level 4 Site Plan application for a four-story, 20,399 square-foot mixed-use building including Architectural Elevations, and a Landscape Plan, with an associated waiver to the minimum 20-foot required front setback depth above the third story, relief to the tower element above the third story, and a determination of adequacy for reduction of required off-street loading located at 398 NE 6th Avenue.

Background:

The subject property occupies a 0.3-acre parcel (approximately 13,001 square feet) within the Central Core Sub-district of Delray Beach's Central Business District (CBD). The site occupies a prominent corner condition in a highly urbanized area with street frontage by Federal Highway located immediately east and NE 4th Street forming the northern boundary of the block and an alley to the west, while the south abuts existing commercial.

Delray 6th Avenue Realty ("Applicant") submitted a Level 4 Site Plan application seeking approval to construct a four-story, 20,399 square-foot mixed-use development consisting of eight-unit multi-family condominium residential development and 1,166 square feet of retail storefront at the ground level.

On June 16, 2025, the City Commission approved Resolution No. 132-25 to allow the utilization of Art Deco as the proposed architectural style.

The application includes three requests for regulatory relief:

1. A waiver from LDR Section 4.4.13(D)(2)(a)3.a., to reduce the minimum required front setback depth above the third story from 20 feet to 17 feet and 11 inches. This request is related to the requirement for providing a corner-clip right-of-way dedication. To grant this waiver, the following findings must be made:

Pursuant to LDR Section 2.4.11(B)(5), Waiver: Findings

Prior to granting a waiver, the granting body shall make findings that 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 similar circumstances on other property for another applicant or owner.*
- e. Within the CBD, the following additional findings apply:
 1. *The waiver shall not result in an inferior pedestrian experience along a Primary Street, such as exposing parking garages or large expanses of blank walls*
 2. *The waiver shall not allow the creation of significant incompatibilities with nearby buildings or uses of land.*
 3. *The waiver shall not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle/ pedestrian master plan.*
 4. *The waiver shall not reduce the quality of civic open spaces provided under this code.*

2. A determination of adequacy under LDR Section 4.6.10(C) for off-street loading, where two loading spaces are required based on the gross floor area of the project, but no loading spaces are proposed. The applicant proposes to manage loading operations by augmenting the adjoining public alley with 5 feet to allow a vehicle to pull over. However, it is important to note, 5 feet is not sufficient to allow a vehicle to fully move out of the travel lane, but could allow vehicles to move around a vehicle stopped to unload items.

3. Approval of the additional setback required above the third story for building entries, lobbies, and vertical circulation areas configured as tower elements consistent with the architectural character of the building pursuant to LDR Section 4.4.13(K)(2)(b). This is not a waiver, rather an allowance that can be approved to achieve an architectural element consistent with the approved style.

On February 23, 2026, the Planning and Zoning Board (PZB) voted 6 to 1 to recommend approval of the Level 4 Site Plan, Architectural Elevations, Landscape Plan, and waiver request to the City Commission, subject to the condition that the proposed concrete pad to accommodate delivery vehicles along the alley be expanded.

The project 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:

Reviewed for legal form and sufficiency.

Funding Source/Financial Impact:

Not applicable.

Timing of Request:

Approval of the Level 4 Site Plan, Architectural Elevations, and Landscape Plan with three relief requests is required prior to site plan certification.