

RESOLUTION NO. 137-24

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A WAIVER TO SECTION 4.5.1(F)(3) OF THE LAND DEVELOPMENT REGULATIONS TO APPROVE THE DEMOLITION OF STRUCTURES LOCATED AT 19 SE 2ND STREET, 148 SE 1ST AVENUE, AND 130 SE 1ST AVENUE PRIOR TO THE ISSUANCE OF A BUILDING PERMIT IN ACCORDANCE WITH THE CERTIFICATE OF APPROPRIATENESS FOR THE PROJECT KNOWN AS MAGNOLIA PLACE, AS MORE PARTICULARLY DESCRIBED HEREIN; AUTHORIZING THE DEMOLITION OF SAID STRUCTURES IN CONJUNCTION WITH THE ISSUANCE OF BUILDING PERMITS FOR THE FOUNDATIONS; PROVIDING A CONFLICTS CLAUSE AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, 130 SE 1st, LLC (“Owner”) is the owner of Magnolia Place, a 5-lot Major Subdivision Plat comprised of the south half of Lot 13 and all of Lots 14 through 19, inclusive, Block 70, Amended Plat of Sundy and Cromer’s Subdivision of Block 70 (the “Property”); and

WHEREAS, the Owner designated Gary P. Eliopoulos, AIA (“Applicant”) of GE Architecture to act as its agent; and

WHEREAS, the Property is zoned Old School Square Historic Arts District (“OSSHAD, within the locally designated Old School Square Historic District (“OSSHD”)); and

WHEREAS, on March 5, 2024, the City Commission approved Resolutions No. 49-24, 50-24, 51-24, 52-24, and 53-24 approving Certificates of Appropriateness, Demolitions, Variances, and Waivers (File Nos. 2023-132, 2023-133, 2023-134, 2023-135, and 2023-136) associated with Downtown Delray Villas/Magnolia Place, including the demolition of three existing structures and the construction of five new, two-story, French Colonial style duplex structures; and

WHEREAS, on March 5, 2024, the City Commission approved Resolution No. 19-24 approving the Major Subdivision Plat to subdivide the existing properties into a five-lot subdivision known as Magnolia Place; and,

WHEREAS, on May 24, 2024, the City of Delray Beach, Florida (“City”) received a Waiver request from the Applicant seeking to allow the demolition of three existing structures in conjunction with the issuance of foundation permits; and

WHEREAS, Section 4.5.1(F)(3) of the Land Development Regulations (“LDR”) of the City of Delray Beach (“City”) Code of Ordinances stipulates demolition shall not occur until a building permit has been issued for the alterations or redevelopment as described in the applicable Certificate of Appropriateness; and

WHEREAS, LDR Section 2.4.11(B)(5) provides findings for the approval 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; and

WHEREAS, at its meeting on June 5, 2024, the Historic Preservation Board voted 4 to 1 to recommend approval to the City Commission of the requested waiver; and

WHEREAS, the City Commission has considered the requested waiver as well as the respective findings 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 forgoing 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 the requested waiver to allow demolition with the issuance of foundation permits (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 4. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Gary P. Eliopoulos of GE Architecture at 1045 E. Atlantic Avenue, Suite 303, Delray Beach, FL 33483.

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 _____, 2024.

ATTEST:

Katerri Johnson, City Clerk

Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney