

RESOLUTION NO. 144-24

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A WAIVER REQUEST TO SECTION 4.4.13(D)(2)(a)1. OF THE LAND DEVELOPMENT REGULATIONS APPROVING A FRONT SETBACK OF SIX FEET, FOR THE PROJECT LOCATED AT 314 NE 3RD AVENUE AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Ocean Parker Delray, LLC (“Owner”), is the owner of a parcel of land measuring approximately 0.147 acres located at 314 NE 3rd Avenue (“Property”), as more particularly described in Exhibit “A”; and

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

WHEREAS, Owner designated Jeffrey A. Costello to act as its agent regarding the Property; and

WHEREAS, the City of Delray Beach, Florida (“City”) received a Level 4 Site Plan Application with a waiver (File No. 2024-081) from the Owner, seeking to construct a mixed-use office and residential development (“Project”); and

WHEREAS, pursuant to Section 4.4.13(D)(2)(a)1. of the City Land Development Regulations (“LDR”) a minimum front setback of ten feet is required in the CBD; and

WHEREAS, the Project includes a waiver request to allow a 6-foot front setback for a portion of the proposed structure; and

WHEREAS, LDR Section 2.4.11(B)(5) requires the approving body to make findings 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 2.4.11(B)(5)(e), which govern waivers from development standards in the CBD, also require the approving body to make findings that the granting of the waiver:

- (a) Shall not result in an inferior pedestrian experience along a Primary Street, such as exposing parking garages or large expanses of blank walls;
- (b) Shall not allow the creation of significant incompatibilities with nearby buildings or uses of land;
- (c) Shall not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle/pedestrian master plan; and
- (d) Shall not reduce the quality of civic open spaces provided under this code; and

WHEREAS, on August 12, 2024, the Planning and Zoning Board voted 6 to 0 to recommend approval to the City Commission of the requested waiver; and

WHEREAS, on September 16, 2024, the City Commission considered the waiver request at a quasi-judicial hearing, as well as the respective findings as set forth in the LDR.

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 makes positive findings that the requested waiver (1) does not result in an inferior pedestrian experience along a Primary Street, such as exposing parking garages or large expanses of blank walls, (2) does not allow the creation of significant incompatibilities with nearby buildings or uses of land, (3) does not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle pedestrian master plan, and (4) does not reduce the quality of civic open spaces provided under this code.

Section 4. The City Commission approves the waiver request to LDR Section 4.4.13(D)(2)(a)1., to allow a front setback of six feet for the Project.

Section 5. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Jeffrey A. Costello, AICP, FRA-RA, 981 Delray Lakes Drive, Delray Beach, Florida, 33444.

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 \_\_\_\_\_, 2024.

ATTEST:

\_\_\_\_\_  
Katerri Johnson, City Clerk

\_\_\_\_\_  
Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Lynn Gelin, City Attorney

**Exhibit "A"**

LOT 17 BLOCK 81 LESS THE EAST 5 FEET AND THE WEST 2 FEET FOR ADDITIONAL RIGHT-OF-WAY AS DESCRIBED IN OFFICIAL RECORD BOOK 33900 PAGE 1476 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AS SHOWN ON THE PLAT OF THE SUBDIVISION OF BLOCK 81 DELRAY BEACH, FLORIDA. AS RECORDED IN PLAT BOOK 11 PAGE 32 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA