

RESOLUTION NO. 216-24

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A LEVEL 4 SITE PLAN, ARCHITECTURAL ELEVATIONS, LANDSCAPE PLAN, AND A WAIVER TO SECTION 4.6.16(H)(3)(d) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW TWO-FOOT, FOUR-INCH-WIDE LANDSCAPE BARRIERS FOR THE PROJECT LOCATED AT 314 NE 3RD AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR 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, Owner designated Jeffrey A. Costello to act as its agent regarding the Property; and

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

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

WHEREAS, Section 4.6.16(H)(3)(d) of the Land Development Regulations of the City of Delray Beach (“LDR”) requires five-foot-wide landscape barriers between a common lot line and a vehicular use area; and

WHEREAS, the Project proposes two-foot, four-inch-wide landscape barriers between both the north and south common lot lines and the adjoining vehicular use areas; and

WHEREAS, LDR Section 2.4.11(B)(5) requires the approving body to make a finding 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 governs waivers from development standards in the CBD, also requires the approving body to make a finding that the granting of the waiver:

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

WHEREAS, LDR Section 2.1.5(E)(5)(j), requires the Planning and Zoning Board to make a recommendation to the City Commission prior to final action for Level 4 Site Plan Applications; and

WHEREAS, on October 21, 2024, the Planning and Zoning Board voted 5 to 0 to recommend approval of the Level 4 Site Plan, Architectural Elevations, Landscape Plan, and waiver request to the City Commission; and

WHEREAS, on November 19, 2024, the City Commission considered the Level 4 Site Plan, Architectural Elevations, Landscape Plan, and waiver request as well as the Comprehensive Plan and respective criteria and 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. That 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 4.6.16(H)(3)(d) to allow two-foot, four-inch landscape barriers between both the north and south common lot lines and adjoining the vehicular use areas.

Section 5. The City Commission approves the Level 4 Site Plan, Architectural Elevations, and Landscape Plan by finding that the Project, with the approved waiver, is consistent with the Comprehensive

Plan and meets the respective criteria and findings as set forth in the Land Development Regulations.

Section 6. 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 7. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 8. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the _____ day of _____, 2024.

ATTEST:

Alexis Givings, Interim 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.