

RESOLUTION NO. 24-25

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.6.9, “OFF-STREET PARKING REGULATIONS,” SUBSECTION 4(F)(3)(d), “VALET PARKING,” OF THE LAND DEVELOPMENT REGULATIONS; TO ALLOW A DRIVE AISLE WITH A REDUCED WIDTH OF 15 FEET 6 INCHES FOR THE DEVELOPMENT LOCATED AT 33 SE 3RD AVENUE, KNOWN AS DELRAY BEACH MARKET, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Rosebud 3<sup>rd</sup> Avenue, LLC (“Owner”) is the owner of the property located at 33 SE 3<sup>rd</sup> Avenue (“the Property”), as more particularly described in Exhibit “A”; and

WHEREAS, Owner designated Miskel & Backman, LLP (“Applicant”), to act as its agent regarding the Property; and

WHEREAS, the Property is zoned Central Business District (“the CBD”); and

WHEREAS, the City of Delray Beach, Florida (“the City”) received a Level 1 Site Plan application (2024-115) associated with the Property from Applicant to change the use of the Property from mixed-use to restaurant use, to remove 8 on-street parking spaces for the valet queue, to reconfigure the parking garage spaces, to add 41 stacked valet parking spaces, and to request a waiver to reduce the width of the drive aisle; and

WHEREAS, Section 4.6.9 of the City’s Land Development Regulations (“the LDR”) sets forth the standards for off-street parking; and

WHEREAS, pursuant to LDR Section 4.6.9(F)(3), a parking facility with a valet service or operator which allows for attendants to receive, park, and deliver the automobiles of occupants, tenants, customers, invitees, and visitors, including tandem parking may be utilized in lieu of the requirements of Section 4.6.9, so long as it meets certain requirements; and

WHEREAS, LDR Section 4.6.9(F)(3)(d) provides that the dimensions for valet and tandem parking spaces shall be a minimum of eight and one-half feet wide and 16 feet deep with a maximum stacking of two vehicles along with a drive aisle of 24 feet; and

WHEREAS, the Applicant/Property Owner has proposed a drive aisle with a reduced width of 15 feet 6 inches; 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, on February 10, 2025, the Downtown Development Authority (DDA) voted 6 to 0 to recommend approval of the Level 1 Site Plan modification (2024-115) that included the proposed waiver to LDR Section 4.6.9(F)(3)(d), and

WHEREAS, on February 25, 2025, the Parking Management Advisory Board (PMAB) voted 3 to 0 to recommend approval of the Level 1 Site Plan modification (2024-115) which included the proposed waiver to LDR Section 4.6.9(F)(3)(d), and

WHEREAS, on March 11, 2025, the City Commission considered the waiver request to LDR Section 4.6.9(F)(3)(d), to allow the proposed the drive aisle to be a minimum of 15 feet and 6 inches wide, for the Property as described in Exhibit “A” in accordance with the standards listed in LDR Section 2.4.11(B)(5).

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 4.6.9(F)(3)(d), for the drive aisle to be a minimum of 15 feet and 6 inches wide, for the Property as more particularly described in Exhibit “A.”

Section 5. The City Clerk, or designee, is directed to send certified copies of this Resolution to Miskel & Backman, LLP, 14 SE 4<sup>th</sup> Street, Suite 36, Boca Raton, Florida, 33432.

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 \_\_\_\_\_, 2025.

ATTEST:

\_\_\_\_\_  
Alexis Giving, City Clerk

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

Approved as to form and legal sufficiency:

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

**Exhibit “A”**

PARCEL “A”, OF METROPOLITAN AT DELRAY, ACCORDING TO PLAT THEREOF, AS RECORDED IN PLAT BOOK 123, PAGE 52, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.