

RESOLUTION NO. 199-25

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING AN IN-LIEU OF PARKING FEE REQUEST FOR THE PROJECT LOCATED AT 149 NE 2ND AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; AUTHORIZING THE CITY MANAGER TO TAKE ANY AND ALL ACTIONS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, 149 2nd Avenue Properties, LLC (“Owner”), is the owner of a parcel of land measuring approximately 0.16 acres located at 149 NE 2nd Avenue, Delray Beach, Florida 33444 (“Property”), as more particularly described in Exhibit “A”, attached hereto and incorporated herein; and

WHEREAS, Owner designated Anthony Fichera (“Applicant”), to act as its agent regarding the Property; and

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

WHEREAS, the Property consists of an existing building with three retail bays and five parking spaces; and

WHEREAS, the City of Delray Beach, Florida (“City”), received a Level 1 Site Plan Application (File No. PZ-000069-2025) and in-lieu parking fee request (File No. PZ-000028-2025) from the Applicant associated with the Property to convert an existing retail bay to a restaurant (“Project”); and

WHEREAS, pursuant to the Land Development Regulations of the City of Delray Beach (“LDR”), the Project requires 11 parking spaces; and

WHEREAS, the Project is credited with one of the existing parking spaces; and

WHEREAS, for properties zoned CBD, Section 4.4.13(I)(3)(a)6. of the LDR provides that if the required parking is not or cannot be provided on-site or off-site, the in-lieu of parking fee option provided in Section 4.6.9(G) may be requested for certain developments that advance City policy-driven goals; and

WHEREAS, the Owner is eligible to request an in-lieu parking fee for the remaining 10 parking spaces pursuant to LDR Section 4.6.9(G)(2)(a); and

WHEREAS, LDR Section 2.4.11(F)(5) requires that prior to approving an in-lieu of parking fee request, the approving body must make the following findings:

- (a) Public parking options, including on-street parking, public parking lots, and public parking garages are available within 1,320 feet measured along a pedestrian route to the building entrance. Parking with utilization rates higher than 80% in the 12 months preceding the request is not considered to be available. Historic properties, as defined in Section 4.6.9(G)(2)(b) are exempt from this finding.

- (b) The in-lieu of parking fee request supports at least one of the following City policy driven goals:
1. Preservation of a historic structure by allowing its use, adaptive reuse, or expansion while maintaining the character of the property or historic district by avoiding excessive use of historic properties for parking; or
 2. Investment in the West Atlantic Neighborhood Sub-district consistent with the West Atlantic Master Plan; or
 3. Adaptive reuse or expansion of an existing building resulting in a building not more than a total of two stories in height.
- (c) The in-lieu of parking fee request does not facilitate development that will demolish the following types of structures within the Central Business (CBD) District or Old School Square Historic Arts District (OSSHAD) zoning:
1. An individually designated or contributing historic structure in a historic district;
 2. A non-contributing structure that is at least 35 years old in a historic district, unless the Historic Preservation Board makes a finding the building should not be reclassified to contributing; or
 3. Any structure that has been identified for potential designation through a resource survey; and

WHEREAS, Resolution No. 80-24 amended the schedule of In-Lieu of Parking Fees per designated area; and

WHEREAS, the Project is located within Area 1, which sets forth an in-lieu of parking fee of \$30,000 per space; and

WHEREAS, the Owner is requesting to pay a fee of \$300,000.00 in lieu of providing 10 required parking spaces on the Property; and

WHEREAS, on October 14, 2025, the City Commission considered the in-lieu request for 10 parking spaces and the respective 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. The foregoing recitals are hereby incorporated herein by this reference and are approved.

Section 2. The City Commission makes positive findings that public parking options, including on-street parking, public parking lots, and public parking garages are available within 1,320 feet measured along a pedestrian route to the building entrance, the in-lieu of parking fee request supports adaptive reuse of an existing building not more than a total of two stories in height, and does not facilitate development that will demolish an individually designated or contributing historic structure in a historic district or a non-contributing structure that is at least 35 years old in a historic district, or any structure that has been identified for potential designation through a resource survey.

Section 3. The City Commission approves the Owner's request to pay a fee of \$300,000.00 in-lieu of providing 10 required parking spaces for the Project.

Section 4. The City Commission authorizes the City Manager to execute an agreement consistent with the approval herein and to take any and all actions necessary to effectuate the intent of this Resolution.

Section 5. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Anthony Fichera, 2234 N Federal Highway #5110, Boca Raton, Florida, 33431.

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 Givings, City Clerk

Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

Exhibit "A"

THE SOUTH 50 FEET OF LOT 4, BLOCK 83, TOWN OF DELRAY (FKA TOWN OF LINTON), TOGETHER WITH A PARCEL DESCRIBED AS:

BEGINNING AT A POINT IN THE NORTH LINE OF THE SOUTH FIFTY (50) FEET OF LOT 4, BLOCK 83, OF THE TOWN OF DELRAY (F/K/A TOWN OF LINTON), ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 3, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, WHICH POINT IS 15.2 FEET EAST OF THE WEST BOUNDARY OF SAID BLOCK; THENCE RUN NORTH A DISTANCE OF 1/10TH OF A FOOT TO A POINT; THENCE RUN EAST A DISTANCE OF SIXTY (60) FEET TO A POINT WHICH IS 15/100THS OF A FOOT NORTH OF THE NORTH BOUNDARY LINE OF THE SOUTH FIFTY (50) FEET OF SAID LOT 4, BLOCK 83, THENCE RUN SOUTH A DISTANCE OF 15/100THS OF A FOOT TO THE NORTH BOUNDARY LINE OF THE SOUTH FIFTY (50) FEET OF SAID LOT 4, BLOCK 83, THENCE RUN WEST ALONG THE NORTH BOUNDARY OF THE SOUTH FIFTY (50) OF SAID LOT 4, BLOCK 83 TO THE POINT OF BEGINNING.

PARCEL IDENTIFICATION NUMBER: 12-43-46-16-01-083-0041