

RESOLUTION NO 190-22

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, OVERRULING THE DECISION OF THE PLANNING AND ZONING BOARD, WHICH SERVES AS THE LOCAL PLANNING AGENCY FOR THE CITY, FOR REZONING APPROXIMATELY 0.21 ACRES LOCATED AT 210 SE 3RD AVENUE FROM SINGLE FAMILY RESIDENTIAL (R-1-A) TO CENTRAL BUSINESS DISTRICT (CBD); PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, 206 Delray Beach LLC (“Owner”) is the owner of 210 SE 3rd Avenue with a Parcel Control Number (PCN) 12-43-46-16-04-087-0160 (the “Property”), as more particularly described in Exhibit “A”; and

WHEREAS, the Property, measuring approximately 0.21 acres, is shown on the City of Delray Beach Zoning Map, July 6, 2021, and zoned Single Family Residential (R-1-A) District; and

WHEREAS, on December 1, 2021, Bonnie Miskel of Dunay, Miskel, Backman LLP (“Applicant”) submitted a Rezoning Application (File No. 2022-0590-REZ-CCA) seeking to rezone the Property from R-1-A to Central Business District (CBD) and amend Section 4.4.13, “Central Business District,” of the Land Development Regulations of the City of Delray Beach (LDR) to include the Property in the Railroad Corridor Subdistrict regulating plan; and

WHEREAS, pursuant to LDR Section 2.4.5(D), a zoning petition requires consideration at a public hearing before the Planning and Zoning Board and a recommendation for approval in order to be considered by the City Commission; and

WHEREAS, pursuant to Florida Statutes 163.3174(4)(c), the Planning and Zoning Board for the City of Delray Beach, sitting as Local Planning Agency, considered this request at a public hearing on September 12, 2022, did not recommend approval of the application to rezone the Property from R-1-A to CBD and related amendments to the LDR by a vote of 6 to 0; and

WHEREAS, on September 21, 2022, pursuant to LDR Section 2.4.7(E), the Applicant filed an appeal of the decision of the Planning and Zoning Board; and

WHEREAS, on November 15, 2022, the City Commission considered the request to rezone the property from R-1-A to CBD and related amendments to the LDR at a public hearing.

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 and adopted.

Section 2. The City Commission has considered the appeal submitted by the Applicant and hereby overrules the Planning and Zoning Board's action.

Section 3. City staff is directed to schedule for consideration the ordinance for Rezoning the Property from R-1-A to CBD with associated LDR Amendments and the accompanying ordinance for the small-scale Land Use Map amendment for first reading.

Section 4. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Bonnie Miskel, Dunay, Miskel, & Backman, LLP 14 S.E. 4th Street, Suite 36, Boca Raton, FL 33432.

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 _____, 2022.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

Exhibit “A”
LEGAL DESCRIPTION

LOT 16 and the North half of LOT 17, BLOCK 87, LINN’S ADDITION TO OSCEOLA PARK, according to the Plat thereof, as recorded in Plat Book 1, Page 133, of the Public Records of Palm Beach County, Florida.

SAID LANDS SITUATE IN THE CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA.