

RESOLUTION NO. 186-22

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 6.74 ACRES LOCATED AT 1155 SOUTH CONGRESS AVENUE FROM MIXED-USE RESIDENTIAL OFFICE AND COMMERCIAL (MROC) TO SPECIAL ACTIVITIES DISTRICT (SAD); PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Eckols '77 Ltd., Eckols '78 Ltd., & Admiral '80, Ltd. ("Owner") is the owner of 1155 South Congress Avenue with a Parcel Control Number (PCN) 12-43-46-19-00-000-5037 (the "Property"), generally located on the east side of South Congress Avenue, approximately 970 feet north of Linton Boulevard, as more particularly described in Exhibit "A,"; and

WHEREAS, the Property, measuring approximately 6.74 acres, is shown on the City of Delray Beach Zoning Map, July 6, 2021, and zoned Mixed Residential Office and Commercial (MROC) District; and

WHEREAS, on February 4, 2022, Maple Multi-Family Land, SE and Jeffrey A. Costello of JC Planning Solutions (collectively as "Applicant") submitted a Rezoning application (File No. 2022-112-REZ-CCA) with an associated Master Development Plan (File No. 2022-111-MDP-SPR) seeking to rezone the Property from MROC to Special Activity District (SAD) and amend Section 4.4.25, "Special Activities District" of the Land Development Regulations of the City of Delray Beach (LDR) to add the "Alexan Delray" SAD; 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 MROC to SAD, the associated MDP, and related amendments to the LDR by a vote of 4 to 2; and

WHEREAS, on September 19, 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 MROC to SAD, the associated MDP, 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 forgoing 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 decision.

Section 3. City staff is directed to schedule for consideration the ordinance for Rezoning the Property from MROC to SAD with the associated Master Development Plan and LDR Amendments for first reading.

Section 4. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Jeffrey A. Costello of JC Planning Solutions, 981 Delray Lakes Drive, Delray Beach, FL 33444.

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

THE NORTH 800 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

THE EAST 425 FEET OF THAT PART OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 19, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF THE SEABOARD AIRLINE RAILWAY; LESS AND NOT INCLUDING THE NORTH 855 FEET AND SOUTH 253 FEET THEREOF, LESS RIGHT-OF-WAY FOR S. CONGRESS AVENUE, LESS AND EXCEPT THAT PORTION TAKEN IN THAT CERTAIN STIPULATED ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 5134, PAGE 1316 AND IN THE ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 5827, PAGE 1631, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 293,785 SQUARE FEET, 6.7444 ACRES, MORE OR LESS.

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