

RESOLUTION NO. 09-23

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING AN IN-LIEU OF PARKING FEE REQUEST FOR THE PROJECT KNOWN AS PIERRE DELRAY II, AS MORE PARTICULARLY DESCRIBED HEREIN; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT CONSISTENT WITH THE APPROVAL HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Pierre Delray Two LLC, (“Owner”) is the owner of a parcel of land measuring approximately 0.53 located at 298 E. Atlantic Avenue; and

WHEREAS, the City of Delray Beach, Florida received a Class IV Site Plan Modification application (File No. 2022-080) from the Owner associated with the property abutting the intersection at the southwest corner of East Atlantic Avenue and Southeast 3<sup>rd</sup> Avenue (“Property”) seeking to expand a previously approved three-story office and commercial building known as Pierre Delray II (“Project”); and

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

WHEREAS, pursuant to the Land Development Regulations (“LDR”) of the City of Delray Beach, the required parking amount for the Project is 93 spaces based on the calculation of its retail and commercial uses; and

WHEREAS, the Owner is requesting to pay a fee of \$307,580.00 in lieu of providing 13 of the 93 required parking spaces on the Property; and

WHEREAS, for properties zoned CBD, LDR Section 4.4.13(I)(3)(a)(6) of the LDR states developments that cannot provide required parking on-site or off-site may utilize the in-lieu fee option provided in LDR Section 4.6.9(E)(3); and

WHEREAS, LDR Section 4.6.9(E)(3) states new developments may opt to use the in-lieu fee option for up to 30 percent of required off-street parking; and

WHEREAS, at its meeting on November 8, 2022, the Parking Management Advisory Board voted 5 to 0 to recommend approval to the City Commission of the requested In-Lieu of Parking fee; and

WHEREAS, pursuant to LDR Section 2.4.5(O)(5), the City Commission must make findings that the request is consistent with the Land Development Regulations, City Comprehensive Plan, and all currently adopted City policies and/or studies.

WHEREAS, LDR Section 2.4.5(O)(5) requires that for in-lieu requests, the City Commission make an additional finding that adequate public parking options are available; and

WHEREAS, the City Commission considered this In Lieu of Parking Fee request 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 the request is consistent with the Land Development Regulations, City Comprehensive Plan, and all currently adopted City policies and/or studies.

Section 3. The City Commission makes positive findings that adequate public parking options are available.

Section 4. The City Commission approves the Owner's request to pay a fee of \$307,580.00 in-lieu of providing the 13 required parking spaces for the new development.

Section 5. The City Commission authorizes the City Manager to execute an agreement consistent with the approval herein.

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 \_\_\_\_\_, 2023.

ATTEST:

\_\_\_\_\_  
Katerri Johnson, City Clerk

\_\_\_\_\_  
Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

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