

RESOLUTION NO. 16-23

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE TO ALLOW A FREE-STANDING MULTI-FAMILY RESIDENTIAL DEVELOPMENT ON A PROPERTY ZONED GENERAL COMMERCIAL (GC) LOCATED AT 1405 N FEDERAL HIGHWAY AND 716 N LAKE AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT TO THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES AND THE COMPREHENSIVE PLAN OF THE CITY OF DELRAY BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, LAKE AVE FEDERAL LLC, (“Owner”) is the owner of a parcel of land measuring approximately .83 acres located at 1405 N Federal Highway and 716 N Lake Avenue (“Property”) situated on the southeast corner of the intersection at North federal Highway and North Lake Avenue, as more particularly described in Exhibit “A”; and

WHEREAS, the Property is zoned General Commercial (“GC”); and

WHEREAS, Owner designated Jeffrey A. Costello of JC Planning Solutions (“Agent”) to act as its agent; and

WHEREAS, Agent submitted a conditional use application (File No. 2022-239-USE) to allow a free-standing multi-family residential development at the Property; and

WHEREAS, pursuant to Section 4.4.9(D)(10) of the Land Development Regulations of the City of Delray Beach (“LDR”), free standing multi-family housing is listed as a conditional use within the GC district; and

WHEREAS, LDR Section 2.4.5(E)(5), requires the approving body to make findings establishing the conditional use will not:

- (a) Have a significantly detrimental effect upon the stability of the neighborhood within which it will be located; nor
- (b) Hinder development or redevelopment of nearby properties; and

WHEREAS, on November 14, 2022, the Planning and Zoning Board voted 6 to 0 with conditions to recommend approval of the conditional use to the City Commission; and

WHEREAS, on January 17, 2023, the City Commission considered the conditional use request and the respective findings as set forth in the Land Development Regulations 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 makes positive findings that the requested conditional use will not have a significantly detrimental effect upon the stability of the neighborhood within which it will be located and will not hinder development or redevelopment of nearby properties.

Section 3. The City Commission approves the conditional use request to allow a free-standing, multi-family development at the Property.

Section 4. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Jeffrey A. Costello, JC Planning Solutions, at 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 _____, 2023.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

