



## Cover Memorandum/Staff Report

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**File #:** 23-036

**Agenda Date:** 1/17/2023

**Item #:** 7.B.

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**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** Terrence Moore, ICMA-CM  
**DATE:** January 17, 2023

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. (QUASI-JUDICIAL HEARING)

**Recommended Action:**

Review and consider Resolution No. 16-23, a request for conditional use approval to allow free-standing multi-family residential in the GC district.

**Background:**

A Class V site plan application was submitted for a nine unit residential development located at 1405 N. Federal Highway and 716 N Lake Avenue. Prior to consideration of a Site Plan action, a conditional use must be granted to allow free-standing multi-family residential within the General Commercial (GC) district. Multi-family residential is permissible as an accessory use to commercial uses in the form of a vertical mixed-use development. Without a commercial use component, multi-family residential as a stand-alone use requires approval of a conditional use pursuant to LDR Section 4.4.9(D).

The Planning and Zoning Board (PZB) reviewed the conditional use request for free-standing multi-family residential within the GC district and recommended approval 6-0, subject to the condition that there is a maximum roof height of 35 feet with a maximum height of 48 feet for any architectural features, mechanical equipment, or rooftop appurtenances.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

Approval of the Conditional Use request is required prior to consideration of the Class V Site Plan application.