RESOLUTION NO. 96-26

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE TO ALLOW FREE-STANDING MULTIPLE-FAMILY HOUSING IN THE GENERAL COMMERCIAL ZONING DISTRICT; APPROVING A WAIVER REQUEST TO SECTION 4.3.3(O)(4)(a) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW AN OFFSET OF ZERO FEET BETWEEN TOWNHOMES; APPROVING A WAIVER REQUEST TO SECTION 4.3.4(H)(6)(b) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW DECORATIVE FENCING IN THE SPECIAL LANDSCAPE SETBACK; APPROVING A WAIVER REQUEST TO SECTION 4.6.9(D)(6)(d) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW A 22-FOOT WIDE DRIVE AISLE; APPROVING A WAIVER REQUEST TO SECTION 4.6.16(H)(3)(d) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW A THREE-FOOT BUFFER BETWEEN DRIVEWAYS; APPROVING AN INTERNAL ADJUSTMENT REQUEST TO SECTION 4.6.2(B) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW A MINIMUM SEPARATION DISTANCE OF 25 FEET AND 12 FEET 4 INCHES BETWEEN RESIDENTIAL BUILDINGS; APPROVING THE ADEQUACY OF THE PROPOSED OFF-STREET LOADING ACCOMMODATIONS PURSUANT TO SECTION 4.6.10(C) OF THE LAND DEVELOPMENT REGULATIONS; AND APPROVING A LEVEL 4 SITE PLAN, LANDSCAPE PLAN, AND ARCHITECTURAL ELEVATIONS FOR THE PROJECT, LOCATED AT 2419, 2507, 2515, 2519, 2601, 2605, AND 2613 NORTH FEDERAL HIGHWAY, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Ultra Luxury Townhomes, LLC, is the owner of seven parcels of land measuring approximately 4.39 acres located at 2419, 2507, 2515, 2519, 2601, 2605, and 2613 North Federal Highway; and

WHEREAS, Ultra Luxury Townhomes, LLC, designated Jeffrey Costello, of JC Planning Solutions (the "Applicant") to act as their agent regarding the properties located at 2419, 2507, 2515, 2519, 2601, 2605, and 2613 North Federal Highway (collectively referred to as the "Property"), as more particularly described in Exhibit "A", attached hereto and incorporated herein; and

WHEREAS, the Property is located within the General Commercial (GC) District; and

WHEREAS, the Applicant submitted a Level 4 Site Plan, Landscape Plan, and Architectural Elevations (File No. 2025-213) and Conditional Use application (File No. 2025-214), with waivers, an internal adjustment, and a determination of the adequacy of loading accommodations for the construction of a 47-unit, free-standing multiple-family residential condominium development known as the 2419 North

Federal Highway (the "Project"); and

WHEREAS, pursuant to Section 4.4.9(D)(10) of the Land Development Regulations of the City of Delray Beach ("LDR"), free-standing multiple-family housing is permitted as a conditional use in the GC District; and

WHEREAS, LDR Section 4.3.3(O)(4)(a) requires a minimum offset between town homes of four feet to the front and rear; and

WHEREAS, the Applicant proposes an offset of zero feet to the front and rear with a proposed articulation of four feet within each townhouse; and

WHEREAS, LDR Section 4.3.4(H)(6)(b) provides that no structures shall be altered, erected, or reconstructed in the special landscape setback; and

WHEREAS, the Project proposes a decorative fence within the special landscape setback; and

WHEREAS, LDR Section 4.6.9(D)(6)(d) requires drive aisles to be a minimum width of 24 feet for two-way traffic; and

WHEREAS, the Applicant proposes a drive aisle width of 22 feet; and

WHEREAS, LDR Section 4.6.16(H)(3)(d) requires a five-foot landscape buffer between driveways; and

WHEREAS, the Project proposes a landscape buffer of three feet between driveways; and

WHEREAS, LDR Section 4.6.2(B), requires a minimum distance between residential buildings based on the length and height of the proposed buildings; and

WHEREAS, the Project requires a minimum horizontal distance ranging from 31 to 38 feet between residential buildings, whereas 25 feet and 12 feet 4 inches is requested; and

WHEREAS, pursuant to LDR Section 4.6.10(C), two (2) dedicated off-street loading spaces are required; and

WHEREAS, the Project proposes zero off-street loading spaces and requests a determination that the loading capacity within the site is adequate; and

WHEREAS, LDR Section 2.4.6(A)(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, LDR Section 2.4.11(B)(5) requires the approving body to make a finding that the granting of a waiver:

(a) Shall not adversely affect the neighboring area;

(b) Shall not significantly diminish the provision of public facilities;

(c) Shall not create an unsafe situation; and,

(d) Does not result in the grant of a special privilege in that the same waiver would be granted under a similar circumstance on other property for another applicant or owner; and

WHEREAS, LDR Section 2.4.11(C)(5) requires the approving body to make a finding that the granting of an internal adjustment:

(a) does not diminish the practical application of the affected regulation (requirement); and

(b) that by granting such relief a superior development product will result; and

WHEREAS, on May 18, 2026, the Planning and Zoning Board voted 7 to 0 to recommend approval to the City Commission of the conditional use, waivers, internal adjustment, loading determination, and the Level 4 Site Plan, Landscape Plan, and Architectural Elevations by finding that the requests were consistent with the Comprehensive Plan and the Land Development Regulations; and

WHEREAS, the City Commission considered the conditional use, waivers, internal adjustment, loading determination, and the Level 4 Site Plan, Landscape Plan, and Architectural Elevations, and has considered the respective findings as set forth in the Comprehensive Plan and Land Development Regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the foregoing 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 free-standing, multiple-family housing in the GC District.

Section 4. The City Commission makes positive findings that the requested waiver to LDR Section 4.3.3(O)(4)(a) to provide an offset of zero feet (1) does not adversely affect the neighboring area, (2) does not significantly diminish the provision of public facilities, (3) does not create an unsafe situation, and (4) does not result in the grant of a special privilege in that the same waiver would be granted under a similar circumstance on other property for another applicant or owner.

Section 5. The City Commission approves the waiver request to LDR Section 4.3.3(O)(4)(a) to provide an offset of zero feet between townhomes with an articulation of four feet within the townhomes for the Project.

Section 6. The City Commission makes positive findings that the requested waiver to LDR Section 4.3.4(H)(6)(b) to allow a decorative fence in the special landscape setback (1) does not adversely affect the neighboring area, (2) does not significantly diminish the provision of public facilities, (3) does not create an unsafe situation, and (4) does not result in the grant of a special privilege in that the same waiver would be granted under a similar circumstance on other property for another applicant or owner.

Section 7. The City Commission approves the waiver request to LDR Section 4.3.4(H)(6)(b) to allow a decorative fence in the required special landscape setback for the Project.

Section 8. The City Commission makes positive findings that the requested waiver to LDR Section 4.6.9(D)(6)(d) to reduce the drive aisle width (1) does not adversely affect the neighboring area, (2) does not significantly diminish the provision of public facilities, (3) does not create an unsafe situation, and (4) does not result in the grant of a special privilege in that the same waiver would be granted under a similar circumstance on other property for another applicant or owner.

Section 9. The City Commission approves the waiver request to LDR Section 4.6.9(D)(6)(d) to reduce the drive aisle to 22 feet for the Project.

Section 10. The City Commission makes positive findings that the requested waiver to LDR Section 4.6.16(H)(3)(d) to reduce the landscape buffer between driveways (1) does not adversely affect the neighboring area, (2) does not significantly diminish the provision of public facilities, (3) does not create an unsafe situation, and (4) does not result in the grant of a special privilege in that the same waiver would be granted under a similar circumstance on other property for another applicant or owner.

Section 11. The City Commission approves the waiver request to LDR Section 4.6.16(H)(3)(d) to reduce the landscape buffer between driveways to three feet for the Project.

Section 12. The City Commission makes positive findings that the requested internal adjustment to LDR Section 4.6.2(B) to allow a distance of 25 feet and 12 feet 4 inches between residential buildings (1) does not diminish the practical application of the affected regulation (requirement) and (2) that by granting such relief a superior development product will result.

Section 13. The City Commission approves the internal adjustment to LDR Section 4.6.2(B) to reduce the minimum distance between residential buildings to 25 feet and 12 feet, 4 inches for the Project.

Section 14. The City Commission finds that the proposed site conditions are adequate to accommodate the loading demand for the Project without any off-street loading spaces.

Section 15. The City Commission approves the Level 4 Site Plan, Landscape Plan, and Architectural Elevations by finding that the Project, with waivers, internal adjustment, and loading determination, is consistent with the Land Development Regulations and the Comprehensive Plan.

Section 16. The City Clerk, or designee, is directed to send certified copies of this Resolution to Jeffrey Costello, JC Planning Solutions, 981 Delray Lakes Drive, Delray Beach, Florida, 33444.

Section 17. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 18. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the _____ day of _____, 2026.

ATTEST:

_____ _____

Alexis Givings, City Clerk Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

_____

Lynn Gelin, City Attorney

EXHIBIT "A"

LOT 30, 31, 32, 33, 34 AND 35, OF DELRAY BEACH ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 13, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

P.C.N. 12-43-46-04-08-000-0300, 12-43-46-04-08-000-0352, 12-43-46-04-08-000-0340, 12-43-46-04-08-000-0351, 12-43-46-04-08-000-0330, 12-43-46-04-08-000-0320 AND 12-43-46-04-08-000-0310