

RESOLUTION NO. 203-19

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO LAND DEVELOPMENT REGULATIONS SECTION 4.4.13(E)(4)(e)1.a. TABLE 4.4.13(I) DIMENSIONAL REQUIREMENTS FOR STOREFRONTS, LINE A, BUILDING SETBACK, WHICH REQUIRES A MINIMUM 10' SETBACK FOR STOREFRONTS IN THE CENTRAL BUSINESS DISTRICT, WHEREAS A 7'-10" FRONT SETBACK IS BEING PROPOSED FOR THE PIERRE DELRAY 1 BUILDING LOCATED AT 302 E. ATLANTIC AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach, Florida ("the City") received a Class III Site Plan modification application (2019-256) ("Project") to effectuate improvements to the Pierre Delray I Building located at 302 E. Atlantic Avenue ("Subject Site") with adjacent utility and paving improvements in the public Right-Of-Way (ROW); and

WHEREAS, LDR Section 4.4.13 (E)(4)(e)1.a. Table 4.4.13(I) Dimensional Requirements for Storefronts, Line A, Building Setback, ("the Requirement") requires a minimum 10' building setback for storefronts; and

WHEREAS, the proposed waiver request seeks relief from the Requirement to allow for the storefront façade of the Project to encroach 2'-2" into the 10' required front setback on the north side of the property resulting in a 7'-10" storefront setback as more particularly described in Exhibit "A", and;

WHEREAS, waivers to decrease the minimum front setback depth are permitted if the reduction does not result in a streetscape which fails to meet the minimum streetscape requirements of Section 4.4.13(E)(2); and

WHEREAS, at its meeting of November 13, 2019, the Site Plan Review and Appearance Board (SPRAB) voted 6 to 0 to recommend approval to the City Commission of the waiver from LDR Section 4.4.13 (E)(4)(E)1., a., Table 4.4.13 (I), A, which sets forth a minimum 10' building setback for storefronts in the CBD, whereas a 7'-10" setback is being proposed; and

WHEREAS, the City Commission of the City of Delray Beach, Florida, reviewed the waiver request in accordance with the standards listed in LDR Sections 2.4.7 (B)(5) and 4.4.13 (K)(5)(b)(2), granting relief from LDR Section 4.4.13 (E)(4)(e)1.a. Table 4.4.13(I) Dimensional Requirements for Storefronts, Line A, Building Setback, to allow for a 7'-10" storefront setback at the north side of the Subject Site in lieu of the minimum 10' setback required, and has considered the respective findings as set forth in the Land Development Regulations.

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

Section 1. That the forgoing recitals are hereby incorporated herein by this reference and are approved and adopted.

Section 2. The City Commission makes positive findings for the granting of the waiver from LDR Section 4.4.13 (E)(4)(e)1.a. Table 4.4.13(I) Dimensional Requirements for Storefronts, Line A, Building Setback, to allow for a proposed 7'-10" storefront setback in lieu of the required minimum 10' storefront setback for the Pierre Delray I building located at 302 E. Atlantic Avenue.

Section 3. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Bonnie Miskel, Esq., of Dunay, Miskel & Backman, LLP.

Section 4. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the _____ day of _____, 2019.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney