

RESOLUTION NO. 164-20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.6.9(D)(3)(c)2 OF THE CITY OF DELRAY BEACH LAND DEVELOPMENT REGULATIONS APPROVING A STACKING DISTANCE OF SIX (6) FEET FOR THE SECURITY GATE CONNECTED TO EASTVIEW AVENUE FOR THE PROPERTY LOCATED AT 775 ESTUARY WAY, 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 II Site Plan application (2020-182) associated with the property located at 775 Estuary Way (the “Property”), from Old Palm Grove Homeowners Association (“Applicant/Property Owner”), requesting the installation of two (2) security gates; and

WHEREAS, the proposal seeks to install one security gate connected to Estuary Way and second security gate connected to Eastview Avenue; and

WHEREAS, Section 4.6.9(D)(3)(c) of the City of Delray Beach’s Land Development Regulations (the “LDR”) sets forth the stacking distance requirements for any point of access to the street system; and

WHEREAS, pursuant to LDR Section 4.6.9(D)(3)(c)(2), provisions must be made to provide for one hundred (100) feet of clear stacking in advance of all security gates; and

WHEREAS, the proposed security gate connected to Estuary Way meets the requirements of LDR Section 4.6.9(D)(3)(c)(2); however, the proposed security gate connected to Eastview Avenue provides only six (6) feet of clear stacking distance as depicted in Exhibit “A,” attached hereto and incorporated herein; and

WHEREAS, pursuant to LDR Section 2.4.7(B)(5), which governs waivers from development regulations, the approving body shall make a finding 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, the requested waiver of relief from LDR Section 4.6.9(D)(3)(c)(2), seeking to reduce the

clear stacking distance from one hundred (100) feet to six (6) feet, was presented to the City Commission at a quasi-judicial hearing conducted on October 6, 2020; and

WHEREAS, the City Commission considered the waiver request to LDR Section 4.6.9(D)(3)(c)(2), to allow only 6 feet of clear stacking distance in accordance with the standards listed in LDR Section 2.4.7 (B)(5).

NOW, THEREFORE, BE IT ORDAINED 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 and adopted.

Section 2. The City Commission makes positive findings that the requested waiver (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 waivers would be granted under a similar circumstances on other property for another applicant or owner.

Section 3. The City Commission approves the waiver to LDR Section 4.6.9(D)(3)(c)2 and approves a six (6) foot stacking distance for the security gate connected to Eastview Avenue as more particularly described in Exhibit "A", which is incorporated herein.

Section 4. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Phil Bidwell, President of Old Palm Grove Homeowners Association.

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 _____, 2020.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

EXHIBIT "A"

