

RESOLUTION NO. 20-21

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE REQUEST PURSUANT TO SECTION 4.4.13(C)(4)(c)1. OF THE LAND DEVELOPMENT REGULATIONS, ALLOWING A COMMERCIAL USE (OFFICE AND RETAIL) TO EXTEND BEYOND 150 FEET FROM WEST ATLANTIC AVENUE WITHIN THE WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT FOR THE PROJECT KNOWN AS “HATCHER BUILDING” LOCATED AT 20 AND 26 NORTHWEST 6<sup>TH</sup> AVENUE, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT “A”, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach, Florida (“the City”) received a Conditional Use application (File Number 2020-249-USE) associated with the property located at located at 20 and 26 Northwest 6<sup>th</sup> Avenue (“the Property”), more particularly described in Exhibit "A", from the Delray Beach CRA (“Applicant/Property Owner”) to allow a commercial use (office and retail) to extend beyond 150 feet from West Atlantic Avenue; and

WHEREAS, the Property is located in the West Atlantic Neighborhood Sub-District; and

WHEREAS, the City Land Development Regulations (“the LDR”) Section 4.4.13(C)(4)(c)1., states commercial and mixed-use structures may only extend up to 150 feet from West Atlantic Avenue, unless a conditional use is approved to the allow commercial and mixed-use structures beyond the 150-foot limit; and

WHEREAS, the Applicant seeks a conditional use to establish a commercial use (office and retail) approximately 244 feet from West Atlantic Avenue, beyond the 150-foot limit; and

WHEREAS, at its meeting of November 16, 2020, the Planning and Zoning Board voted 7 to 0 to recommend approval to the City Commission of the requested conditional use; and

WHEREAS, LDR Section 2.4.5(E), which governs conditional uses, requires the approving body to make a finding that the granting of a condition use will not:

- (a) Have a significantly detrimental effect upon the stability of the neighborhood within which it will be located;
- (b) Hinder development or redevelopment of nearby properties; and

WHEREAS, the requested Conditional Use found in LDR Section 4.4.13(C)(4)(c)1. to allow a commercial use (office and retail) to extend beyond 150 feet from West Atlantic Avenue within the West Atlantic Neighborhood Sub-District was presented to the City Commission at a quasi-judicial hearing conducted on \_\_\_\_\_, 2021; and

WHEREAS, the City Commission considered the Conditional Use request to allow a commercial use (office and retail) to extend beyond 150 feet from West Atlantic Avenue within the West Atlantic Neighborhood Sub-District for the proposed “Hatcher Building” project, and has considered the respective findings as set forth in the 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 forgoing recitals are hereby incorporated herein by this reference and are approved and adopted.

Section 2. The City Commission makes positive finding that the requested conditional use (1) will not have a significantly detrimental effect upon the stability of the neighborhood within which it will be located and (2) will not hinder development or redevelopment of nearby properties.

Section 3. The City Commission approves the Conditional Use request to allow the establishment of a commercial use (office and retail) to extend beyond 150 feet from West Atlantic Avenue within the West Atlantic Neighborhood Sub-District for the proposed “Hatcher Building” project, more particularly described in Exhibit "A".

Section 4. The City Clerk, or designee, is directed to send a certified copy of this Resolution to the Delray Beach CRA.

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 \_\_\_\_\_, 2021.

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Shelly Petrolia, Mayor

ATTEST:

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Katerri Johnson, City Clerk

Approved as to form and legal sufficiency:

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Lynn Gelin, City Attorney

**EXHIBIT "A"**  
**HATCHER BUILDING LEGAL DESCRIPTION**

THE EAST 130 FEET OF THE NORTH 100 FEET OF THE SOUTH 302.1 FEET OF THE SOUTH ONE-HALF OF BLOCK 12 OF THE CITY OF DELRAY BEACH (FORMERLY LINTON) ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 3, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND

LOT 17, BLOCK 12, MONROE SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 14, PAGE 67, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.