

RESOLUTION NO. 182-20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING WAIVER REQUESTS TO SECTION 4.4.9(B)(5) OF THE LAND DEVELOPMENT REGULATIONS; APPROVING LESS THAN 25 PERCENT COMMERCIAL SPACE ON THE GROUND FLOOR AND ALLOWING COMMERCIAL AND RESIDENTIAL USES TO SHARE COMMON ACCESSWAYS FOR THE GEORGE BUILDING LOCATED AT 655 GEORGE BUSH BOULEVARD, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the City of Delray Beach ("the City") received a Class V Site Plan application (2020-183) associated with the property located at 655 George Bush Boulevard ("the Property"), from 3 Sisters Realty, LLC ("Applicant/Property Owner"), for the construction of a 18,236 \pm gross square feet four-story mixed-use residential/office building; and

WHEREAS, the Property is located within the General Commercial zoning district ("GC"); and

WHEREAS, City of Delray Beach Land Development Regulations ("the LDRs") Section 4.4.9(B)(5) sets forth the standards for the development of dwelling units in the same structure as commercial uses within the GC district; and

WHEREAS, LDR Section 4.4.9(B)(5) provides that commercial uses are required on the ground floor and must occupy no less than twenty-five percent of the total structure excluding square footage devoted to vehicular use; and

WHEREAS, LDR Section 4.4.9(B)(5) requires a physical separation between residential uses and non-residential and that they have separate accessways; and

WHEREAS, the proposed waiver request seeks relief from LDR Section 4.4.9(B)(5) to allow a minimum three percent of commercial space on the ground floor and to allow commercial and residential uses to share common accessways as more particularly described in Exhibit "A"; and

WHEREAS, LDR Section 2.4.7(B)(5), which governs waivers from development regulations, 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, the requested waivers of relief from LDR Section 4.4.9(B)(5), regarding minimum occupancy of commercial use on the first floor and shared common accessways for commercial and residential

uses for proposed development, was presented to the City Commission at a quasi-judicial hearing conducted on December 8, 2020 and

WHEREAS, the City Commission considered the waiver request to LDR Section 4.4.9(B)(5), to allow less than 25 percent commercial space on the ground floor and allow commercial and residential uses to share common accessways as more particularly described in Exhibit "A" in accordance with the standards listed in LDR Sections 2.4.7(B)(5) as well as 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 findings that the requested waivers (1) do not adversely affect the neighboring area, (2) do not significantly diminish the provision of public facilities, (3) do not create an unsafe situation, and (4) do not result in the grant of a special privilege in that the same waiver would be granted under a similar circumstances on other property for another applicant or owner.

Section 3. The City Commission approves the waiver request to LDR Section 4.4.9(B)(5), and approves a minimum three percent commercial space on the ground floor and commercial and residential uses to share common accessways for the Property as more particularly described in Exhibit "A", which is incorporated herein.

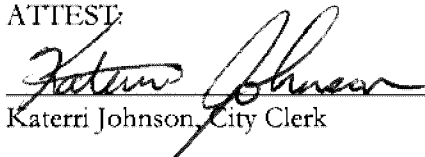
★ Section 4. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Richard Jones of Richard Jones Architecture located at 10 SE First Avenue, Delray Beach, FL 33444.

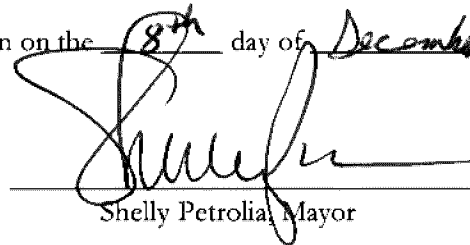
Section 5. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 6. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the 8th day of December, 2020.

ATTEST:


Katerri Johnson, City Clerk


Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

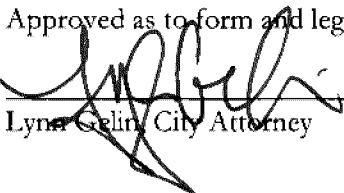

Lynn Gelin, City Attorney

Exhibit A
Legal Description

Parcel 1: Lot 10 (less the south 8 feet thereof, and less the east 34.35 feet of said Lot 10), and the south 24.88 feet of Lot 11 (less the east 34.35 feet of said Lot 11, Block 2, Sophia Frey subdivision, according to the map or plat thereof as recorded in Plat Book 4, page 37 of the public records of Palm Beach County, Florida.

and

Parcel 2: The north half of Lot 11 (less the east 34.35 feet thereof) and the south half of Lot 12 (less the south 14.96 of the east 34.35 feet thereof), Block 2, Sophia Frey subdivision according to the map or plat thereof as recorded in Plat Book 4, page 37 of the public records of Palm Beach County, Florida.

CITY OF DELRAY BEACH

Delray Beach
Florida



1993 • 2001 • 2017

CITY CLERK



100 N.W. 1st AVENUE

DELRAY BEACH, FLORIDA 33444

561/243-7000

CERTIFICATION

I, **KATERRI JOHNSON, CMC**, City Clerk of the City of Delray Beach, do hereby certify that the attached document is a true and correct copy of **Resolution No. 182-20**, as the same was passed and adopted by the Delray Beach City Commission in regular session on the 8th day of December, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the City of Delray Beach, Florida, on this the 18th day of December 2020.

A handwritten signature in cursive script that reads "Katerri Johnson".

Katerri Johnson, CMC

City Clerk

City of Delray Beach, Florida

