

RESOLUTION NO. 28-21

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE REQUEST PURSUANT TO SECTION 4.4.12(D)(1) AND 4.4.9(D)(10) OF THE LAND DEVELOPMENT REGULATIONS; TO ALLOW A FREE-STANDING MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENT FOR THE PROJECT KNOWN AS “THE LINTON” LOCATED AT 510 WEST LINTON BOULEVARD, AS MORE PARTICULARLY DESCRIBED, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach, Florida (“the City”) received a conditional use application (2021-004-USE) associated with the property located at 510 West Linton Boulevard (“the Property”), as more particularly described in Exhibit "A", from NCC Rosebud Two, LLC (“Applicant/Property Owner”) seeking a free-standing multiple-family residential development for the project known as “The Linton”; and

WHEREAS, the Property is located in the Planned Commercial (PC) District and Linton Commons Overlay District; and

WHEREAS, the Section 4.4.12(D)(1) of the City of Delray Beach Land Development Regulations (“the LDR”) allows all uses allowed as conditional uses in the General Commercial (GC) Zoning District as conditional uses in the PC Zoning District; and

WHEREAS, the Section 4.4.9(D)(10) of the LDRs allows free-standing multiple-family residential housing, subject to the requirements of the RM District except for setback and height requirements, as a conditional use in the GC Zoning District; and

WHEREAS, the Applicant is proposing a free-standing multiple-family residential development; and

WHEREAS, the conditional use application was considered by the Planning and Zoning Board at a public hearing on December 14, 2020, and the Board voted 7 to 0 to recommend approval; and

WHEREAS, Section 2.4.5(E) of the LDRs, which governs the findings necessary to establish a conditional use, 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 request to allow a free-standing multiple-family residential development was presented to the City Commission at a quasi-judicial hearing conducted on January 19, 2021; and

WHEREAS, the City Commission considered the conditional use request to allow a free-standing

multiple-family residential development for the project known as “The Linton” 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. 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 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 for a free- standing multiple-family development for the “The Linton” project.

Section 4. The City Clerk, or designee, is directed to send a certified copy of this Resolution to NCC Rosebud Two, LLC, at 101 SE 4th Avenue, Delray Beach, Florida 33483.

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.

Shelly Petrolia, Mayor

ATTEST:

Katerri Johnson, City Clerk

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

EXHIBIT "A"
THE LINTON LEGAL DESCRIPTION

PARCEL A, PARCEL B, PARCEL C, TRACT PBC & TRACT PR OF NEW CENTURY COMMONS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 126, PAGE(S) 21 THROUGH 23, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH A NON-EXCLUSIVE EASEMENT RIGHT FOR DRAINAGE CREATED UNDER THAT CERTAIN EASEMENT AGREEMENT BETWEEN LINTON PLAZA AND MIDATLANTIC BANK, TRUSTEE DATED OCTOBER 11, 1989 AND FILED JANUARY 4, 1990, IN OFFICIAL RECORDS BOOK 6314, AT PAGE 479, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH A NON-EXCLUSIVE EASEMENT RIGHT FOR INGRESS, EGRESS, UTILITY AND DRAINAGE PURPOSES OVER AND ACROSS LAVER'S AVENUE, ALSO KNOWN AS TRACT "B" OF LAVER'S INTERNATIONAL PLAZA PLAT 1, RECORDED IN PLAT BOOK 51, PAGE 1, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS DEDICATED IN SAID PLAT FOR THE BENEFIT OF ADJOINING OWNERS.

SAID LANDS SITUATE IN THE CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA.

CONTAINING 403,639 SQUARE FEET / 9.2663 ACRES, MORE OR LESS.