

ORDINANCE NO. 04-21

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING THE HHH BUSH BUILDING SPECIAL ACTIVITIES DISTRICT (SAD) DISTRICT TO THE 1177 MODERNE SPECIAL ACTIVITIES DISTRICT (SAD) DISTRICT BY REPEALING ORDINANCE NO. 38-84 AS MODIFIED BY ORDINANCE NO. 39-90, AS FURTHER MODIFIED BY ORDINANCE 01-11 TO ADOPT DEVELOPMENT STANDARDS AND A MASTER DEVELOPMENT PLAN, AND AMENDING SECTION 4.4.25 (H)(6) OF THE LAND DEVELOPMENT REGULATIONS TO UPDATE THE HHH BUSH BUILDING SAD TO IDENTIFY THE SUBJECT ORDINANCE; SAID LAND LYING IMMEDIATELY NORTH OF GEORGE BUSH BOULEVARD AND GENERALLY BETWEEN THE INTRACOASTAL WATERWAY AND ANDREWS AVENUE; AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017"; PROVIDING A CONFLICTS CLAUSE; AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, GB1177, LLC ("Owner"), is fee simple owner of 1177 George Bush Boulevard, immediately north of George Bush Boulevard and generally located between the Intracoastal Waterway to the west and Andrews Avenue to the east; and

WHEREAS, on September 11, 1984, the City Commission adopted Ordinance No. 38-84, to establish the HHH Bush Building SAD at 1177 George Bush Boulevard; and

WHEREAS, on September 11, 1990, the City Commission adopted Ordinance No. 39-90, to amend the HHH Bush Building SAD; and

WHEREAS, on February 1, 2011, the City Commission adopted Ordinance No. 01-11, to further amend the HHH Bush Building SAD; and

WHEREAS, a rezoning application requesting approval to amend Ordinance No. 38-84 and subsequent amendments adopted by Ordinance No. 39-90 and Ordinance 01-11 has been submitted by Seaside Builders, LLC ("Agent"), on behalf of the Owner / Applicant; and

WHEREAS, the Applicant desires to repeal the regulations in Ordinance No. 38-84 and

subsequent amendments adopted by Ordinance No. 39-90 and Ordinance 01-11 in their entirety, and establish new regulations for the SAD as shown in Exhibit “C”; and

WHEREAS, the property hereinafter described is shown on the City of Delray Beach Zoning Map, dated June 29, 2017, is zoned the HHH Bush Building Special Activities District (SAD) and shall be rezoned as the 1177 Moderne Special Activities District (SAD); and

WHEREAS, pursuant to Florida Statutes 163.3174(4)(c), the Planning and Zoning Board for the City of Delray Beach, sitting as the Local Planning Agency, considered this item at a public hearing on January 25, 2021, ~~and voted x to x~~ recommend ~~approval~~ of the rezoning request and associated revisions to Ordinance No. 30-18, finding the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations; and

WHEREAS, the City Commission of the City of Delray Beach finds the ordinance is consistent with the Comprehensive Plan; and

WHEREAS, it is appropriate that the Zoning District Map of the City of Delray Beach, Florida, retain the current SAD zoning classification.

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

Section 1. That the recitations set forth above are incorporated herein.

Section 2. That the Zoning District Map of the City of Delray Beach, be, and the same shall maintain the zoning classification of Special Activities District (SAD) District, for the described property in Exhibit “A”, Legal Description and Exhibit “B” Proposed Zoning.

Section 3. That the 1177 Moderne SAD is subject to compliance with Exhibit “C”, Permitted Uses & Development Standards and Exhibit “D, Master Development Plan, attached hereto.

Section 4. That Section 4.4.25, Special Activities District (SAD), Subsection (H), S.A.D.s., of the Land Development Regulations shall be amended as follows:

(1) – (5) (These subsections shall remain in full force and effect as adopted.)

(6) ~~The HHH Bush Building~~ 1177 Moderne, Ordinance No. 38-84, modified by Ordinance No. 39-90, modified by Ordinance 01-11, and amended in its entirety by Ordinance No. 04-21.

(7) – (16) (These subsections shall remain in full force and effect as adopted.)

Section 5. That all ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 6. That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid,

such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 7. That this ordinance shall become effective upon approval of the second reading of this ordinance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

PASSED AND ADOPTED in regular session on second and final reading on this _____ day of _____, 2021.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

First Reading: _____

Second Reading: _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

Exhibit "A"
Legal Description

PARCEL 1

A CERTAIN PARCEL OF LAND IN SECTION 9, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF TRACTS 30 AND 31, AS SHOWN ON A PLAT ENTITLED MODEL LAND COMPANY SUBDIVISION OF SECTION 9, TOWNSHIP 46 SOUTH, RANGE 43 EAST, AS RECORDED IN PLAT BOOK 8, PAGE 40 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE WEST RIGHT-OF-WAY LINE OF ANDREWS AVENUE, SO CALLED, SAID POINT BEING ALSO THE NORTHEAST CORNER OF SAID TRACT 30; THENCE WESTERLY ALONG THE SAID NORTH LINE OF TRACT 30, A DISTANCE OF 534.59 FEET TO A POINT IN A CONCRETE MONUMENT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PREMISES; THENCE SOUTHERLY MAKING AN ANGLE WITH THE PRECEDING COURSE, MEASURED EAST TO SOUTH OF 76|03'15", AND ALONG THE EASTERLY LINE OF THE LAND HEREIN DESCRIBED, A DISTANCE OF 189.30 FEET MORE OR LESS, TO A POINT IN THE NORTHERLY RIGHT-OF-WAY LINE, BEING THE ARC OF A CURVE CONCAVE TO THE NORTH AND HAVING A RADIUS OF 996.45 FEET, SAID RADIUS LINE MAKING AN ANGLE WITH THE SAID NORTHERLY LINE OF TRACTS 30 AND 31, MEASURED FROM EAST TO SOUTH OF 77|03'04", A DISTANCE OF 55.06 FEET; THENCE NORTHERLY ON A LINE PARALLEL WITH AND 55.00 FEET FROM (MEASURED AT RIGHT ANGLES TO) THE EASTERLY LINE OF THE HEREIN DESCRIBED PREMISES, A DISTANCE OF 200.47 FEET, MORE OR LESS, TO A POINT IN THE SAID NORTH LINE OF TRACTS 30 AND 31; THENCE EASTERLY ALONG THE SAID NORTH LINE OF TRACTS 30 AND 31, A DISTANCE OF 56.67 FEET TO THE POINT OF BEGINNING.

PARCEL 2

A PARCEL OF LAND IN SECTION 9, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 30 OF MODEL LAND COMPANY'S SUBDIVISION OF SAID SECTION 9, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 40, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE WESTERLY ALONG THE NORTH LINE OF LOTS 30 AND 31 OF SAID MODEL LAND COMPANY'S SUBDIVISION, A DISTANCE OF 534.59 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF LAND CONVEYED BY WILLIAM L. SHRISTENSON AND WIFE TO DR. ROBERT E. RABORN BY DEED RECORDED IN OFFICIAL RECORDS BOOK 655, PAGE 418, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTHERLY MAKING AN ANGLE WITH THE PRECEDING COURSE, MEASURED FROM EAST TO SOUTH, OF 76 DEGREES, 16 MINUTES AND ALONG THE WEST LINE OF LAND OF SAID RABORN, A DISTANCE OF 189.28 FEET, MORE OR LESS, TO A POINT IN THE NORTHERLY RIGHT OF WAY LINE OF NORTHEAST EIGHTH STREET, BEING THE ARC OF A CURVE CONCAVE TO THE NORTH AND HAVING A RADIUS OF 996.45 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID NORTHERLY RIGHT OF WAY LINE A DISTANCE OF 250.00 FEET, MORE OR LESS, TO A POINT OF REVERSE CURVATURE; THENCE EASTERLY ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 1145.96 FEET AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 272.65 FEET TO A POINT IN THE EAST LINE OF SAID LOT 30; THENCE NORTHERLY ALONG THE EAST LINE OF SAID LOT 30, A DISTANCE OF 2.57 FEET TO THE POINT OF BEGINNING.

Exhibit “B” Proposed Zoning

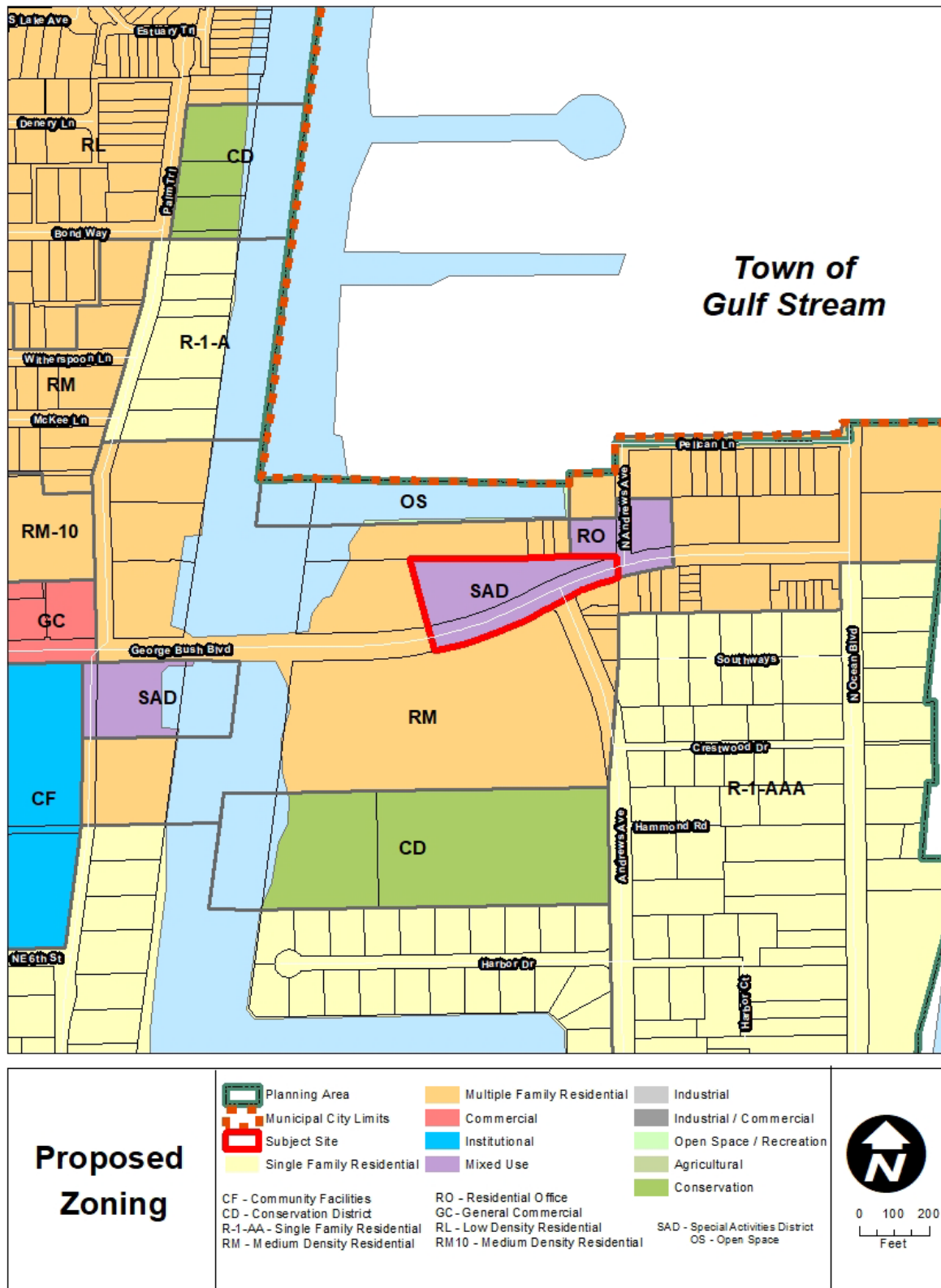


Exhibit “C”
Permitted Uses & Development Standards

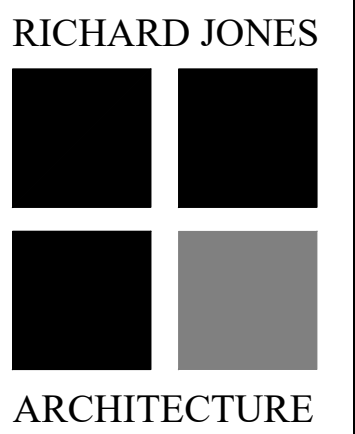
Permitted Uses:

- 3-story, 16-unit residential condominium and private club
- Amenities: Spa and thermal suite, pool, fitness center, dog park, and pavilions, which shall only be available to residents of the development and their guests.

Development Standards:

- Intensity / Floor Area Ratio: 1.0
- Density: 12 dwelling units / acre
- Setbacks: 50 feet front setback from the centerline of George Bush Boulevard, as regulated in the Land Development Regulations; 15 feet rear and side setbacks
- Maximum Building Height: 48 feet
- Lot Coverage (Maximum): 40 percent, which is the maximum amount of the lot which may be devoted to coverage by a structure or structures.
- Open Space (Minimum): Land area, equal to at least 25 percent of the total district, including the perimeter landscaped boundary, shall be in open space. Landscape areas are required to meet internal parking lot design requirements.
- Structure Size (Minimum): Any free-standing structure shall have a minimum floor area of 400 square feet and shall be architecturally consistent with other structures in the development plan.
- Fences and Walls: All fences and walls shall conform to the Land Development Regulations height and setback requirements.
- Except as specifically set forth above, the development standards shall apply as established in Section 4.4.25(E) and Section 4.3.4 of the Land Development Regulations, as applicable to the MF – Medium Density Residential Zoning District.

Exhibit "D"
Master Development Plan



S.E. FIRST AVENUE | SUITE 102
MELRAY BEACH, FLORIDA 33444
T 561.274.9186 | F 561.274.9196
AA26001617 | IB26001056

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ELEVEN //
 7 GEORGE BUSH BLVD
 DELRAY BEACH, FLORIDA
 SEASIDE BUILDERS
 DELRAY BEACH, FLORIDA

FLORIDA LICENSURE

AA26001617 | IB26001056

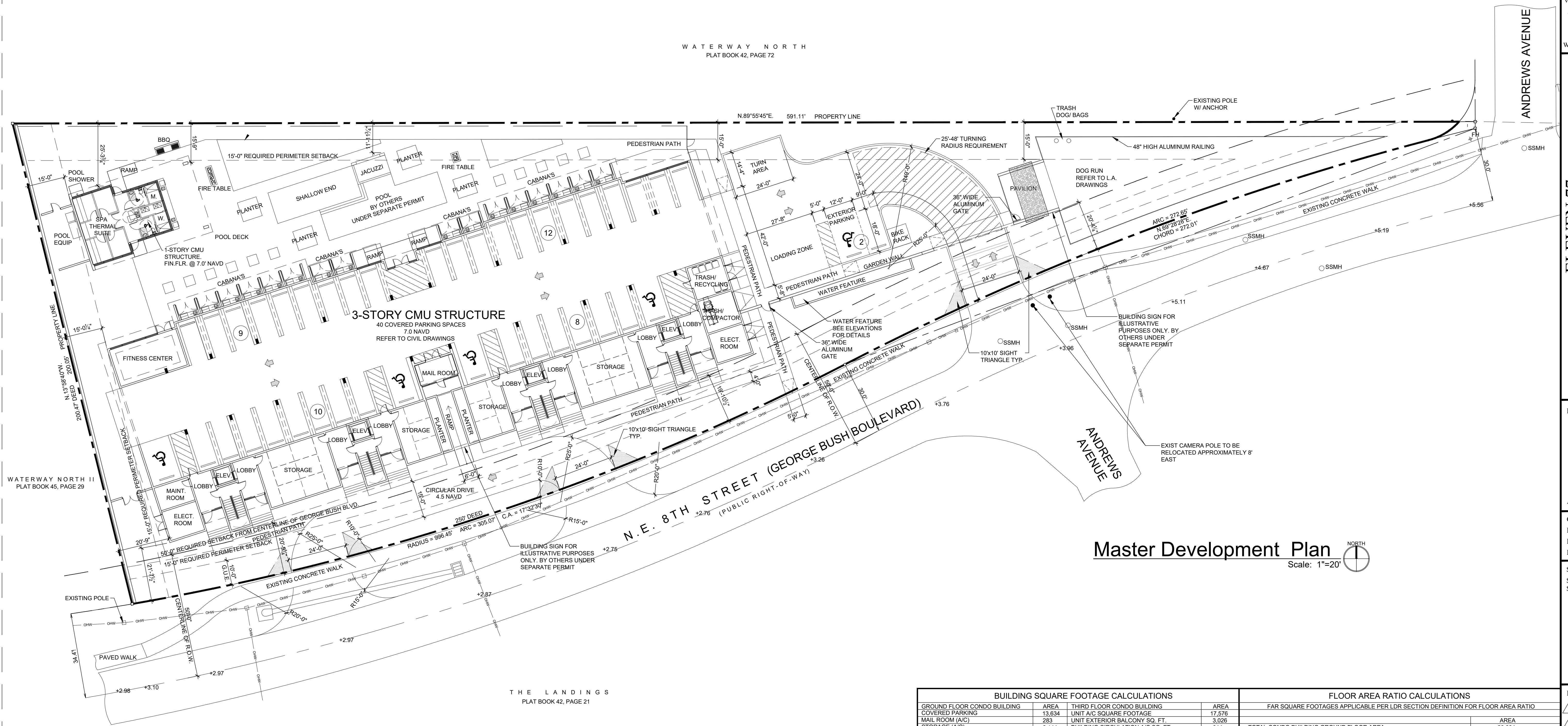
COMMISSION #	19-064
DESIGNER:	RJ
DRAWN BY:	JH/RB/RJ
PLAN REVIEW:	RJ

SUBMITTALS:	
SAD / CLASS-5	5.01.20
SUBMITTAL	

REVISIONS:	
1	TAC COMMENTS: 08.21.20
2	TAC COMMENTS: 10.09.20

MASTER SITE PLAN

MP-1



Master Development Plan

Scale: 1"=20'



LEGAL DESCRIPTION

PARCEL 1

A CERTAIN PARCEL OF LAND IN SECTION 9, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF TRACTS 30 AND 31, AS SHOWN ON A PLAT ENTITLED MODEL LAND COMPANY SUBDIVISION OF SECTION 9, TOWNSHIP 46 SOUTH, RANGE 43 EAST, AS RECORDED IN PLAT BOOK 8, PAGE 40 OR BY THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE WEST RIGHT-OF-WAY LINE OF ANDREWS AVENUE, SO CALLED, SAID POINT BEING ALSO THE NORTHEAST CORNER OF SAID TRACT 30, THENCE SOUTHERLY ALONG SAID NORTH LINE OF TRACT 30, A DISTANCE OF 534.59 FEET TO A POINT IN A CONCRETE MONUMENT, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PREMISES, THENCE SOUTHERLY MAKING AN ANGLE WITH THE PRECEDING COURSE, MEASURED EAST TO SOUTH OF $76^{\circ}03'15"$, AND ALONG THE EASTERLY LINE OF THE LAND HEREIN DESCRIBED, A DISTANCE OF 109.30 FEET MORE OR LESS, TO A POINT IN THE "PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA" TO THE CURVE POINT OF THE CURVE AND TO THE NORTHEAST CORNER OF SAID TRACT 30, THENCE SOUTHERLY ALONG THE SOUTHERLY LINE OF TRACTS 30 AND 31, MEASURED FROM EAST TO SOUTH OF $77^{\circ}04'30"$, A DISTANCE OF 55.06 FEET; THENCE NORTHERLY ON A LINE PARALLEL WITH "THE" 55.06 FEET FROM (MEASURED AT RIGHT ANGLES) TO THE EASTERLY LINE OF THE HEREIN DESCRIBED PREMISES, A DISTANCE OF 200.47 FEET, MORE OR LESS, TO A POINT IN THE SAID NORTH LINE OF TRACTS 30 AND 31, A DISTANCE OF 56.67 FEET TO THE POINT OF BEGINNING.

PARCEL 2

A CERTAIN PARCEL OF LAND IN SECTION 9, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 30 OF MODEL LAND COMPANY'S SUBDIVISION OF SECTION 9, TOWNSHIP 46 SOUTH, RANGE 43 EAST, AS SHOWN ON A PLAT ENTITLED MODEL LAND COMPANY'S SUBDIVISION, A DISTANCE OF 534.59 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF PALM BEACH COUNTY, FLORIDA; THENCE WESTERLY ALONG THE NORTH LINE OF LOTS 30 AND 31 OF SAID MODEL LAND COMPANY'S SUBDIVISION, A DISTANCE OF 534.59 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF LAND CONVEYED BY WILLIAM L. HRISTENSTON AND WIFE TO DR. ROBERT E. RABORN BY DEED RECORDED IN OFFICIAL RECORDS OF PALM BEACH COUNTY, PAGE 418; PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTHERLY MAKING AN ANGLE WITH THE PRECEDING COURSE, MEASURED FROM EAST TO SOUTH, OF 75° DEGREES, 18 MINUTES AND ALONG THE WEST LINE OF LAND OF SAID RABORN, A DISTANCE OF 189.20 FEET, MORE OR LESS, TO A POINT IN THE NORTHERLY RIGHT-OF-WAY LINE OF NORTHEAST EIGHTH STREET, BEING THE ARC OF A CURVE CONCAVE TO THE NORTH AND HAVING A RADIUS OF 396.45 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 250.00 FEET, MORE OR LESS, TO A POINT OF REVERSE CURVATURE; THENCE EASTERLY ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 1145.96 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID LOT 30, THENCE NORTHERLY ALONG THE EAST LINE OF SAID LOT 30, A DISTANCE OF 2.57 FEET TO THE POINT OF BEGINNING.

SITE CALCULATIONS			
ZONING:		SAD- SPECIAL ACTIVITIES DISTRICT	
PROJECT LOCATION:		1177 GEORGE BUSH BLVD DELRAY BEACH FLORIDA	
	SQ. FEET	% OF SITE	NOTES:
TOTAL SITE AREA	60,430 SQ.FT.	100%	1.59 ACRES
TOTAL BUILDING FOOTPRINT (LOT COVERAGE)	22,760 SQ.FT.	37.6%	ALL STRUCTURES
PARKING AREA	946 SQ.FT.	1.7%	OUTDOOR PARKING ONLY
SIDEWALK, DRIVEWAY, POOL AREA & MISC.	16,064 SQ.FT.	26.5%	
OPEN SPACE	20,718 SQ.FT.	34.3%	
TOTAL SQUARE FOOTAGE RELATED TO FAR	58,230 SQ.FT.		
FAR - FLOOR AREA RATIO	58,230 / 60,430	0.96	
TOTAL IMPERVIOUS AREA	39,712 SQ.FT.	65.7%	
TOTAL PERVIOUS AREA	20,718 SQ.FT.	34.3%	
GROSS BUILDING AREA	65,194 SQ.FT.	—	ALL STRUCTURES
DENSITY	12 UNITS PER ACRE (16 UNITS TOTAL)		
PERMITANT TO LDR SECTION 6.1.8 UTILITY FACILITIES SERVING THE DEVELOPMENT SHALL BE LOCATED UNDERGROUND THROUGHOUT THE DEVELOPMENT.			

BUILDING SQUARE FOOTAGE CALCULATIONS				
GROUND FLOOR CONDO BUILDING	AREA	THIRD FLOOR CONDO BUILDING	AREA	
COVERED PARKING	13,634	UNIT A/C SQUARE FOOTAGE	17,676	
MAIL ROOM (A/C)	283	UNIT EXTERIOR BALCONY SQ. FT.	3,026	
STORAGE (A/C)	2,144	BUILDING CIRCULATION A/C SQ. FT.	644	
TRASH ROOM	556			
UTILITY ROOMS	556	TOTAL THIRD FLOOR AREA	21,246	
CABANAS	974			
LOBBY'S COMMON AREA'S (A/C)	2,245	CONDO BUILDING TOTAL A/C AREA	41,112	
FITNESS (A/C)	492	GROSS CONDO BUILDING AREA	63,376	
TOTAL GROUND FLOOR AREA	20,884			
		AMENITY BUILDING		
SECOND FLOOR CONDO BUILDING		AMENITY BUILDING A/C SQUARE FOOTAGE	906	
UNIT A/C SQUARE FOOTAGE	17,676	AMENITY BUILDING EXTERIOR AREA	555	
UNIT EXTERIOR BALCONY SQ. FT.	3,026			
BUILDING CIRCULATION A/C SQ. FT.	644	GROSS AMENITY BUILDING AREA	1,461	
TOTAL SECOND FLOOR AREA	21,246	PAVILLION SQUARE FOOTAGE	415	
UNIT CALCULATIONS				
	QUANTITY	SIZE (A/C)	BALCONY	TOTAL SQ. FT.
UNIT A: THREE BEDROOM UNIT	4	2,173	306	2,479
UNIT B: THREE BEDROOM UNIT	8	2,221	217	2,438
UNIT C: THREE BEDROOM UNIT	4	2,173	773	2,946
TOTAL RESIDENTIAL UNITS	16	35,152	6,052	41,204
BUILDING SETBACKS				
BUILDING SETBACK PURSUANT TO LDR SECTION 4.25-SPECIAL ACTIVITIES DISTRICT (SAD)			REQUIRED	PROVIDED
PERIMETER SETBACK			15'-0"	15' MINIMUM
FROM CENTERLINE OF GEORGE BUSH BLVD. - SEC. 4.34(H)(6)(a)			50'-0"	50' MINIMUM
HEIGHT MEASURED FROM BASE BUILDING ELEVATION			48'-0"	37'-0"

FLOOR AREA RATIO CALCULATIONS	
FAR SQUARE FOOTAGES APPLICABLE PER LDR SECTION DEFINITION FOR FLOOR AREA RATIO	
	AREA
TOTAL CONDO BUILDING GROUND FLOOR AREA	20,884
TOTAL CONDO BUILDING SECOND FLOOR A/C SQUARE FOOTAGE	18,220
TOTAL CONDO BUILDING THIRD FLOOR A/C SQUARE FOOTAGE	18,220
TOTAL AMENITY BUILDING A/C SQUARE FOOTAGE	906
TOTAL FLOOR AREA PER LDR'S DEFINITION	58,230
FLOOR AREA RATIO = 0.96	
PARKING REQUIREMENTS	
PARKING REQUIRED	
2 SPACES PER 2 OR MORE BEDROOM UNIT (16 UNITS x 2)	32 SPACES
GUEST PARKING	
0.5 x FIRST 20 UNITS	8 SPACES
TOTAL PARKING REQUIRED	40 SPACES
PARKING PROVIDED	
REGULAR SPACES IN GARAGE	26 SPACES
COMPACT SPACES IN GARAGE	9 SPACES
SURFACE SPACES	1 SPACES
HANDICAP SPACES	5 SPACES
TOTAL PARKING PROVIDED	41 SPACES
FLOOD ELEVATION CALCULATIONS	
FLOOD ZONE	AE 6.0' NAVD
BASE BUILDING ELEVATION (FEMA FLOOD ELEVATION + 12")	7.0' NAVD