

RESOLUTION NO. 57-21

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CLASS IV SITE PLAN, CERTIFICATE OF APPROPRIATENESS, LANDSCAPE PLAN, ARCHITECTURAL ELEVATIONS AND APPROVING AN INCREASE IN RESIDENTIAL DENSITY THROUGH THE CENTRAL BUSINESS DISTRICT INCENTIVE PROGRAM PURSUANT TO SECTION 4.4.13(H)(1) OF THE LAND DEVELOPMENT REGULATIONS IN EXCHANGE FOR WORKFORCE HOUSING FOR THE PROJECT KNOWN AS ATLANTIC GROVE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach, Florida (“City”) received a Class IV Site Plan application, Certificate of Appropriateness, Landscape Plan, and Architectural Elevations (2020-281-COA-WAI-HPB) for the construction of 14 additional townhomes, an increase in residential density utilizing the Residential Incentive Program in exchange for Workforce Housing, construction of a new cabana building, installation of hardscaping, and installation of landscaping to the existing mixed-use development known as “Atlantic Grove” (“Property”), as more particularly described in “Exhibit A,” attached hereto and incorporated herein; and

WHEREAS, the portion of the Property where the improvements are proposed is located within the West Settlers Historic District; and

WHEREAS, the Property is zoned Central Business District in the West Atlantic Neighborhood Sub-District; and

WHEREAS, the City of Delray Beach Land Development Regulations (“the LDRs”) Section 4.4.13(D)(2) and Table 4.4.13(C) of allows for a maximum density of 12 units per acre; and

WHEREAS, LDR Section 4.4.13(H) allows for an increase in the permitted maximum density from 12 units per acre to a maximum of 20 dwelling units per acre through the Incentive Program, which requires that the development provide for Workforce Housing Units equal to 20 percent of the bonus density; and

WHEREAS, LDR Section 4.7.4 requires the Workforce Housing Unit to be restricted to moderate income households; and

WHEREAS, the applicant proposes to provide one designated Workforce Housing Unit restricted to moderate income households to obtain a bonus density increase from the existing 15.5 dwelling units per acre to 16.9 dwelling units per acre; and

WHEREAS, LDR Section 2.4.5(G)(1)(e), requires the approving body to make a finding that the Class IV site plan will be compatible and harmonious with adjacent and nearby properties and the City as a whole, so as not to cause substantial depreciation of property values and that a full review of the Performance Standards found in LDR Section 3.1.1 be completed; and

WHEREAS, LDR Section 2.4.5(H)(5), requires the approving body to make a finding with respect to overall consistency of the proposed landscape plan's relationship to the following:

- (a) Objectives of landscaping regulations Section 4.6.16 of the LDRs;
- (b) Site and landscape design standards pursuant to Section 4.6.16 of the LDRs; and

WHEREAS, LDR Section 2.4.5(I)(5), requires the approving body to make a finding that the architectural elevations are compliant with the objectives and standards as contained in the architectural regulations of LDR Section 4.6.18; and

WHEREAS, LDR Section 2.4.6(H)(5), requires the approving body to make a finding that any Certificate of Appropriateness which is to be approved is consistent with Historic Preservation purposes pursuant to Objective HPE 1.4 of the Historic Preservation Element of the adopted Comprehensive Plan and specifically with provisions of Section 4.5.1 of the LDRs, the Delray Beach Historic Preservation Design Guidelines, and the Secretary of the Interior's Standards for Rehabilitation; and

WHEREAS, at its meeting on March 3, 2021, the Historic Preservation Board voted 4 to 0 to recommend approval to the City Commission of the Class IV Site Plan Modification, Certificate of Appropriateness, Landscape Plan, and Architectural Elevations, by finding that the request is consistent with the LDRs, the Delray Beach Historic Preservation Design Guidelines, the Secretary of the Interior's Standards for Rehabilitation, and the Comprehensive Plan; and

WHEREAS, the City Commission considered the Class IV Site Plan application, Certificate of Appropriateness, Landscape Plan, and Architectural Elevations application (2020-281-COA-WAI-HPB) requesting the construction of 14 additional townhomes utilizing the residential Incentive Program for density bonus, construction of a new cabana building, installation of hardscaping, and installation of landscaping to the Property as well as the respective findings as set forth in the LDRs.

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 approves the Class IV Site Plan, Certificate of Appropriateness, Landscape Plan, and Architectural Elevations for the Property, by finding that the request is consistent with the Land Development Regulations, the Delray Beach Historic Preservation Design Guidelines, the Secretary of the Interior's Standards for Rehabilitation, and the

Comprehensive Plan.

Section 3. The City Commission approves the increase in density from 15.5 dwelling units per acre to 16.9 dwelling units per acre and authorizes one Workforce Housing Unit restricted to moderate income households for the Atlantic Grove development.

Section 4. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Timothy Hernandez, Atlantic Grove Partners, LLC, 200 Congress Park Drive, Suite 201, Delray Beach, FL 33445.

Section 5. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

\_\_\_\_\_  
Katerri Johnson, City Clerk

\_\_\_\_\_  
Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Lynn Gelin, City Attorney

“EXHIBIT A”  
ATLANTIC GROVE DEVELOPMENT

PARCEL 1:

PARCEL ID NO. 12-43-46-16-01 -036-0180

PARCEL ID NO. 12-43-46-16-01-036-0200

PARCEL ID NO. 12-43-46-16-01 -036-0160

PARCEL 2:

PARCEL ID NO. 12-43-46-17-60-018-0010

PARCEL ID NO. 12-43-46-17-60-018-0021

PARCEL 1:

LOTS 16 THROUGH 21, INCLUSIVE, BLOCK 36, REVISED PLAT OF BLOCK 36, TOWN OF DELRAY, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE(S) 38, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH: THAT PORTION OF THE WEST HALF OF THE 16 FOOT ALLEY RIGHT OF WAY, BLOCK 36, MAP OF LINTON (NOW DELRAY BEACH), ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 3, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND LYING EAST OF AND ADJACENT TO LOTS 16 THROUGH 21, INCLUSIVE, BLOCK 36, REVISED PLAT OF BLOCK 36, TOWN OF DELRAY, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 38, PUBLIC RECORDS OF PALM BEACH, COUNTY, FLORIDA.

PARCEL 2:

TRACTS R-1 AND R-2 OF THE PLAT OF ATLANTIC GROVE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 96, PAGE 55, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.