Legislation Text

File #: 26-0930, **Version:** 1

TO: **Mayor and Commissioners**
FROM: **Anthea Gianniotes, Development Services Director**
THROUGH: **Terrence Moore, ICMA-CM**
DATE: **August 18, 2026**

RESOLUTION NO. 96-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE TO ALLOW FREE-STANDING MULTIPLE-FAMILY HOUSING IN THE GENERAL COMMERCIAL ZONING DISTRICT; APPROVING A WAIVER REQUEST TO SECTION 4.3.3(O)(4)(a) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW AN OFFSET OF ZERO FEET BETWEEN TOWNHOMES; APPROVING A WAIVER REQUEST TO SECTION 4.3.4(H)(6)(b) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW DECORATIVE FENCING IN THE SPECIAL LANDSCAPE SETBACK; APPROVING A WAIVER REQUEST TO SECTION 4.6.9(D)(6)(d) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW A 22-FOOT WIDE DRIVE AISLE; APPROVING A WAIVER REQUEST TO SECTION 4.6.16(H)(3)(d) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW A THREE-FOOT BUFFER BETWEEN DRIVEWAYS; APPROVING AN INTERNAL ADJUSTMENT REQUEST TO SECTION 4.6.2(B) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW A MINIMUM SEPARATION DISTANCE OF 25 FEET AND 12 FEET 4 INCHES BETWEEN RESIDENTIAL BUILDINGS; APPROVING THE ADEQUACY OF THE PROPOSED LOADING ACCOMMODATIONS PURSUANT TO SECTION 4.6.10(C) OF THE LAND DEVELOPMENT REGULATIONS; AND APPROVING A LEVEL 4 SITE PLAN, LANDSCAPE PLAN, AND ARCHITECTURAL ELEVATIONS FOR THE PROJECT LOCATED AT 2419, 2507, 2515, 2519, 2601, 2605, AND 2613 NORTH FEDERAL HIGHWAY, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

Recommended Action:

Review and consider Resolution No. 96-26, approval of a conditional use, four waivers, an internal adjustment, a loading determination, and a Level 4 Site Plan, Landscape Plan, and Architectural Elevations to develop a 47-unit freestanding multi-family condominium in the General Commercial (GC) District located at 2419, 2507, 2515, 2519, 2601, 2605, and 2613 North Federal Highway.

Background:

The subject property consists of 7 parcels totaling 4.25 acres (4.39 acres pre-dedication of ROW) located on the east side of North Federal Highway, directly adjacent to the Town of Gulf Stream to the east. The parcels are currently vacant. The property is zoned General Commercial (GC) and is within the North Federal Highway Redevelopment Area. The eastern edge of the site is adjacent to a residential neighborhood within the Town of Gulf Stream.

Please note, on July 14, 2026, the City Commission denied this application by a vote of 3 -1. On July 21, 2026, the City Commission voted to reconsider this application by a vote of 3-1.

The application is a Level 4 Site Plan Application (File No. 2025-213) with a Conditional Use (File No. 2025-214) for a 47-unit townhouse-type development, with amenities. The project is comprised of 6 two-story townhouse-type condominium structures, and 2 three-story townhouse-type condominium structures, as well as a clubhouse and pool. The two-story townhouse-type condominium structures front North Federal Highway, the adjacent east residential zoning district, and internally within the site. The three-story structures are located on the south side of the property abutting the commercial property. All units are proposed as three-bedroom units. While the units are proposed in a townhouse typology, the entirety of the project will be structured as a condominium and there are no proposed fee-simple lots.

Access to each townhouse-type unit is provided by a private, gated drive aisle. Required parking for each unit is provided within a private garage, and guest parking for each unit is provided through either an attached driveway in front of the garage or a reserved parking space located near the unit.

The Level 4 Site Plan request includes a Conditional Use, four waivers, an internal adjustment, and a loading determination. A separate stacking-distance relief request was reviewed and approved by the City Engineer.

Conditional Use:

LDR Section 4.4.9(D)(10): A Conditional Use approval is required for free-standing multi-family development in the GC district.

Pursuant to LDR Section 2.4.6(A)(5), Findings, *In addition to provisions of Chapter 3, the City Commission must make findings that establishing the conditional 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.

4 Waivers:

1. LDR Section 4.3.3(O)(4)(a): A four-foot minimum townhouse offset is required and no offset is proposed, with an articulation of four feet within each townhouse building.
2. LDR Section 4.3.4(H)(6)(b): To allow decorative fencing in the required special landscape setback along Federal Highway.
3. LDR Section 4.6.9(D)(6)(d): To allow a two-way drive aisle width of 22 feet, where 24 feet is required to accommodate vehicles backing out of parking spaces.
4. LDR Section 4.6.16(H)(3)(d): To allow a three-foot landscaped buffer between the driveways, where five feet is required.

Pursuant to LDR Section 2.4.11(B)(5), Findings, *Prior to granting a waiver, the granting body shall make findings that the granting of the 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 similar circumstances on other property for another applicant or owner.

Engineering Review:

LDR Section 4.6.9(D)(4)(b)(i): The required 100-foot minimum stacking distance from the property line was reviewed and approved by the City Engineer to allow stacking in front of the gates of 89 feet, seven inches for residents and 65 feet for guests.

Internal Adjustment:
LDR Section 4.6.2(B): Relief from the minimum distance between residential buildings to allow a 25-foot separation where up to 37.39 feet is required and a12-foot and four inches separation, where 37.12' are required .

Pursuant to LDR Section 2.4.11(C)(5), Findings, *Concurrent with granting relief from a development standard or regulation, the granting body must find that such relief does not diminish the practical application of the affected regulation (requirement) and that by granting such relief a superior development product will result.*

Loading Determination
LDR Section 4.6.10(C) sets forth the "Off-Street Loading" requirement for "apartments," which has been interpreted to mean multi-family. Under the square footage of the project, up to 2 loading spaces would be required. However, the proposed development is a townhome design configuration, where every unit has both a private garage and driveway, raising the question of the applicability of this LDR section to the project. Future residents having an appliance or furniture delivered will use their private driveways. Several other townhome-type developments have been determined to have adequate loading accommodations using private driveways.

Performance Standards for Multi-Family Development
LDR Section 4.3.3(BB) provides additional performance criteria for projects that propose density beyond six dwelling units per acre. To increase the density to the proposed 10.7 du/ac, the approving body must make a finding that the development substantially complies with the performance standards in this section. The Staff Report provides analysis of the standards beginning on page 12.

Considerations:
1. Regarding the conditional use, if allowing a multi-family housing development in the commercial area is appropriate and provides a compatible transition to the single family homes to the east.

2. City incentives (for example, increased height or additional density) are not available for this location for the provision of workforce housing; however, since the property is zoned GC, it is eligible for a Live Local Act development. The Live Local Act allows up to 40 du/ac, requires 10% commercial use and 40% of the total units as workforce housing through an administrative process.

3. Whether the proposed project meets the intent of the Housing Element of the Comprehensive Plan with three-bedroom townhomes, or if diversifying the sizes of the units or number of bedrooms would accommodate a wider range of income levels.

4. Whether the large unit sizes are a contributing factor to the relief requests and whether incorporating some units with a lower bedroom count could reduce the overall building sizes and mitigate the need for some of the requested relief.

5. Whether the development design achieves the multi-modal and pedestrian connectivity standards,

both internally and externally.

On May 18, 2026, the Planning and Zoning Board (PZB) reviewed the request and recommended approval to the City Commission by a vote of 7-0. The Applicant has submitted revisions to the Photometric Plan and Architectural Elevations to address the remaining technical compliance issues. Remaining technical issues are outlined in the PZB Staff Report and will be resolved administratively prior to certification.

At the PZB meeting, residents from the Town of Gulf Stream and the adjacent “Place Au Soleil” neighborhood spoke in support of the proposed 47-unit condominium project. Their comments indicated that the project is viewed as a more compatible and predictable development outcome than a potential future redevelopment scenario that could be pursued under the Live Local Act.

Please note, the item before the City Commission is final action on the Conditional Use, Four Waivers, Internal Adjustment, Loading Determination, and the proposed Level 4 Site Plan, Landscape Plan, and Architectural Elevations. Each of these actions requires specific findings, and the attached Staff Report provides a full analysis of the project and applicable findings. This item will not appear as an appealable item on a future agenda.

City Attorney Review:
Approved as to form and legal sufficiency.

Funding Source/Financial Impact:
N/A

Timing of Request:
Approval of the Level 4 Site Plan with Conditional Use, waivers, internal adjustment, and loading determination is required prior to site plan certification, platting, and application for building permits.