



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

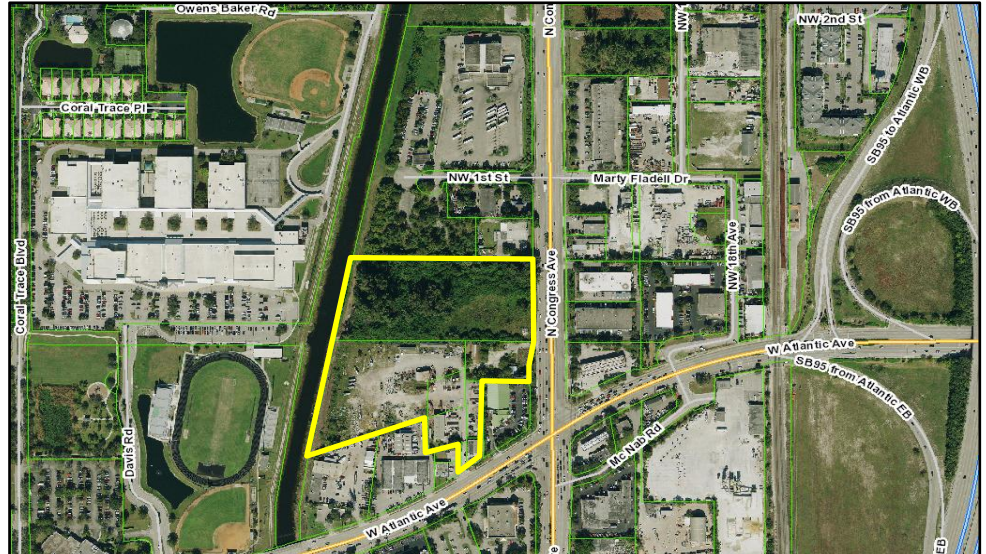
PUBLIC NOTICE

RE: CONDITIONAL USE REQUEST FOR AURA DELRAY BEACH

Pursuant to Section 2.4.2 (B)(1)(e) of the Land Development Regulations of the City of Delray Beach, Florida, you are hereby notified of a Conditional Use request to increase the maximum overall height from 48' to 55' for buildings 3,4,5 and 6 for the proposed Aura Delray Beach located adjacent to the northwest of West Atlantic Avenue and North Congress Avenue (see map below).

The Planning and Zoning Board, acting as the Local Planning Agency, will conduct a **VIRTUAL PUBLIC HEARING** on **MONDAY, September 21, 2020, at 6:00 PM** (or as soon thereafter as may be heard), for the purpose of receiving public comment and to consider and make a recommendation to the City Commission regarding the Conditional Use request.

The applicant proposes to develop the properties as a multi-family development containing 292 residential units and associated amenities, with a 1,653+/- square foot commercial building located adjacent to North Congress Avenue. The site plan review and action will be held at a separate meeting before the Site Plan Review and Appearance Board (SPRAB) at a date to be determined.



Following the Planning and Zoning Board hearing, the City Commission will review the Conditional Use request for a final decision. Additional information on Aura Delray Beach can be found on the "Development Project" page under the Development Services Department at www.delraybeachfl.gov.

Pursuant to Executive Order 20-69, during the COVID-19 State of Emergency, Planning and Zoning Board meetings may be held virtually. Members of the public wishing to view Planning and Zoning Board meetings should log into the City's website, <https://www.delraybeachfl.gov/i-want-to/watch/city-meetings>, where the meeting will be live-streamed for the public. The meeting agenda will be made available online prior to the meeting at <http://delraybeach.legistar.com/Calendar.aspx>.

Due to the closure of City Hall, members of the public wishing to participate may do so by submitting their comments via voicemail. Any member of the public wishing to comment publicly on any matter, including public comment or public hearing items, may submit their comments by dialing (561) 243-7556 and leaving a voicemail message that will be played during the Planning and Zoning Board meeting and made a part of the public record:

- 1. State your full name**
- 2. State your address**
- 3. Leave a comment no longer than 3 minutes.**

Public comment on items that have been set for a formal public hearing shall only be made during the presentation of the item. After the Planning and Zoning Board has heard from both the applicant and the City, the Board will take a recess in order to afford the public an opportunity to comment on the specific agenda item. After the recess, comments from the public will be played into the record for the Board's consideration.

The conditional use notice can be found online at <https://www.delraybeachfl.gov/government/city-departments/city-clerk/public-notices>. If you would like further information with regard to how this proposed action may affect your property, or if you would like to review the plans for this request, please contact Kent Walia, Senior Planner, Development Services Department located at 100 NW 1st Avenue, Delray Beach, Florida 33444, e-mail waliak@mydelraybeach.com, or by phone at 561-243-7365, between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday, excluding holidays.

All interested parties are invited to attend the public hearing and comment upon the proposed action or submit their comments in writing on or before the date of the hearing to the Development Services Department. Please be advised that if the action taken on this request is appealed, the appellant may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. The City does not provide nor prepare such a record pursuant to F.S. 286.0105.

City of Delray Beach
Planning and Zoning Department
Date Mailed: September 11, 2020

RESOLUTION NO. 152-20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A REQUEST FOR A CONDITIONAL USE PURSUANT TO LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, AND THE COMPREHENSIVE PLAN, TO ALLOW FOR THE INCREASE TO MAXIMUM ALLOWABLE HEIGHT TO 55 FEET FOR BUILDINGS 3,4,5 AND 6 FOR THE AURA DELRAY BEACH, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, Trinsic Residential Group ("Petitioner") is the contract purchaser of the aggregation of parcels comprising ± 12.20-acres ("Property"), which are located generally at the northwest corner of the intersection of Congress Avenue and West Atlantic Avenue within the City of Delray Beach ("City"), more particularly described in the legal description in Exhibit "A" and shown on the map in Exhibit "B"; and

WHEREAS, a Conditional Use Application (File Number 2020-247-USE PZB) was submitted by the Petitioner's agent, Dunay, Miskel, and Backman, LLP, to increase the maximum allowable building height to 55 feet for buildings 3,4,5 and 6 for Aura Delray Beach, as defined in the Land Development Regulations (LDR) Section 4.3.4 (J)(4), "Increases to height regulations;" and

WHEREAS, this request was reviewed by the Planning and Zoning Board at a public hearing on September 21, 2020, with the Board voting _ to _ recommending _____ of the application; and

WHEREAS, the application met the standards set forth in LDR Sections 4.3.4(J)(4)(b)(ii)(1) and 4.3.4(J)(4)(b)(iv); and

WHEREAS, pursuant to LDR Section 2.4.5(E), the City Commission found that establishing a conditional use to increase the a maximum bulidng height to 55 feet for building 3,4,5 and 6 for the Aura Delray Beach will not have a significantly detrimental effect upon the stability of the neighborhood within which it is located nor hinder development or redevelopment of nearby properties; and

WHEREAS, the City Commission reviewed the Conditional Use to allow for the increase of the maximum allowable building height of 55 feet for buildings 3,4,5 and 6 for the Aura Delray Beach and considered 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 foregoing recitals are hereby incorporated herein by this reference and are approved and adopted.

Section 2. The City Commission makes positive findings for granting approval of the conditional use to increase building height to a maximum of 55 feet for buildings 3,4,5 and 6 for the Aura Delray Beach, pursuant to Land Development Regulations Chapter 3 and Sections 2.4.5(E)(5) and Section 4.3.4(J)(4)(b).

Section 3. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the _____ day of _____, 2020.

Shelly Petrolia, Mayor

ATTEST:

Katerri Johnson, City Clerk

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

EXHIBIT A
LEGAL DESCRIPTION – AURA DELRAY BEACH OVERLAY DISTRICT

A PORTION OF TRACT 27, "MODEL LAND COMPANY'S SUBDIVISION OF THE NORTH HALF AND PART OF THE SOUTH HALF OF SECTION 18-46-43", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6 AT PAGE 51 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 18; THENCE SOUTH 89°47'40" WEST, ALONG THE SOUTH LINE OF SAID NORTHEAST ONE-QUARTER, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING, ALSO LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF CONGRESS AVENUE; THENCE CONTINUE SOUTH 89°47'40" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 754.34 FEET; THENCE NORTH 11°08'27" EAST, ALONG THE EAST LINE OF THE LAKE WORTH DRAINAGE DISTRICT E-4 CANAL, A DISTANCE OF 349.89 FEET; THENCE NORTH 89°55'29" EAST, ALONG THE SOUTH LINE AND EASTERLY EXTENSION THEREOF, OF TRACT

1, "PALM TRAN SOUTH COUNTY FACILITY", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 127 AT PAGES 194 AND 195 OF SAID PUBLIC RECORDS, A DISTANCE OF 681.33 FEET; THENCE SOUTH 00°54'26" EAST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF CONGRESS AVENUE, A DISTANCE OF 341.53 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

A PORTION OF TRACTS 38 AND 39, "MODEL LAND COMPANY'S SUBDIVISION OF THE NORTH HALF AND PART OF THE SOUTH HALF OF SECTION 18-46-43", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6 AT PAGE 51 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

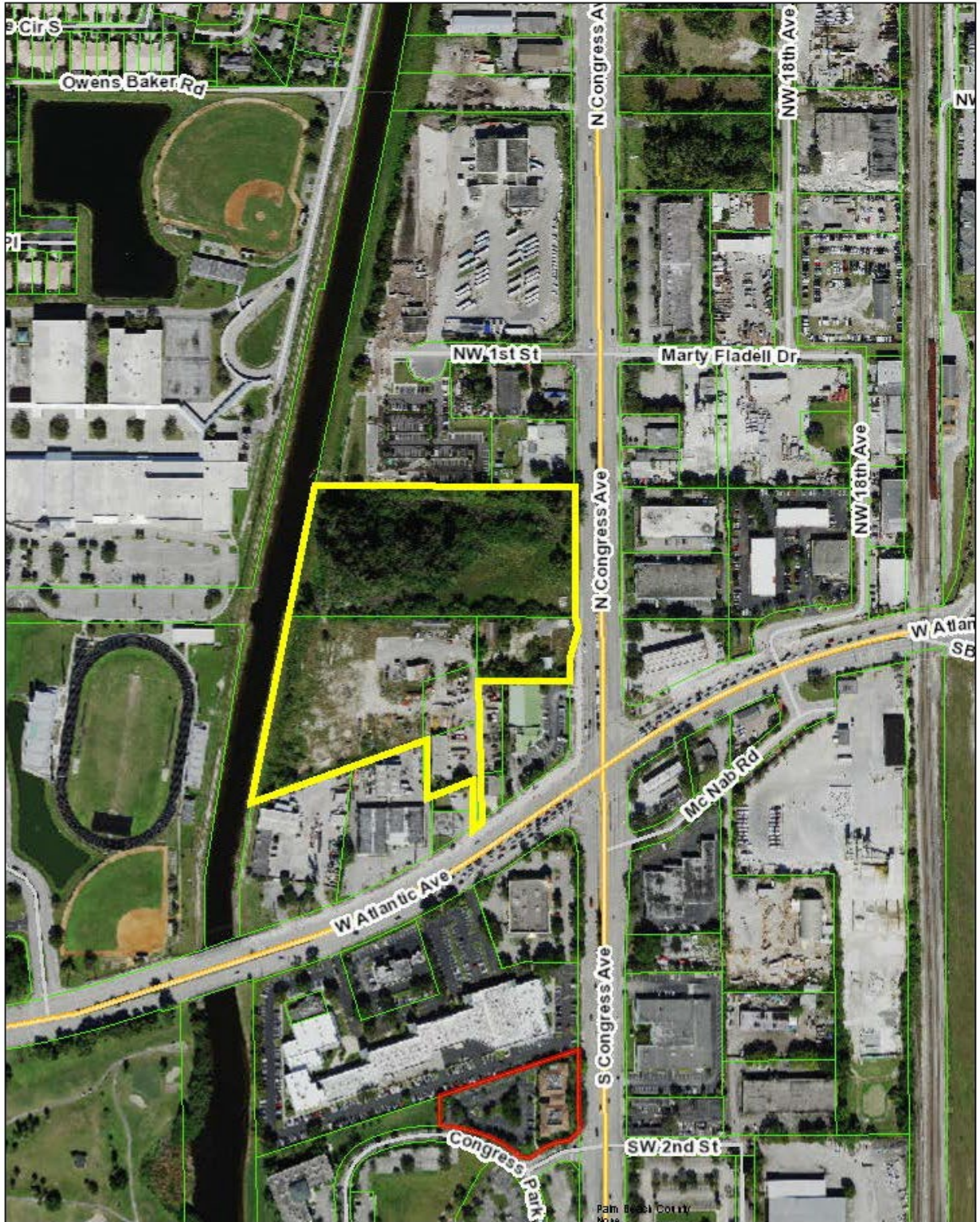
COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 18; THENCE SOUTH 89°47'40" WEST, ALONG THE NORTH LINE OF SAID SOUTHEAST ONE-QUARTER, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING, ALSO LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF CONGRESS AVENUE; THENCE SOUTH 00°53'40" EAST, ALONG SAID WESTERLY LINE, A DISTANCE OF

38.29 FEET; THENCE SOUTH 15°07'58" WEST, ALONG THE WEST RIGHT-OF-WAY LINE OF CONGRESS AVENUE, AS RECORDED IN OFFICIAL RECORDS BOOK 29036 AT PAGE 463 OF SAID PUBLIC RECORDS, A DISTANCE OF 67.36 FEET; THENCE SOUTH 00°53'40" EAST, ALONG SAID WEST LINE, A DISTANCE OF 60.32 FEET; THENCE SOUTH 89°49'29" WEST, ALONG THE NORTH LINE OF TRACT A OF "CHEVRON 50128 TRACT", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 60 AT PAGE 187 OF SAID PUBLIC RECORDS, A DISTANCE OF 174.43 FEET; THENCE SOUTH 00°53'52" EAST, ALONG THE WEST LINE OF SAID TRACT A, A DISTANCE OF 319.15 FEET; THENCE SOUTH 53°51'39" WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF WEST ATLANTIC AVENUE (STATE ROAD 806), ACCORDING TO THE ORDER OF TAKING AS RECORDED IN OFFICIAL

RECORDS BOOK 29115 AT PAGE 34 OF SAID PUBLIC RECORDS, A DISTANCE OF 109.46 FEET; THENCE NORTH 00°53'52" WEST, A DISTANCE OF 120.83 FEET; THENCE SOUTH 70°17'01" WEST, A DISTANCE OF 128.78 FEET; THENCE NORTH 00°53'52" WEST, A DISTANCE OF 149.91 FEET; THENCE SOUTH 70°12'20" WEST, ALONG THE NORTH LINE AND EASTERLY EXTENSION THEREOF, OF TRACT A, "CAUSEWAY LUMBER PLAT", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 72 AT PAGE 146 OF SAID PUBLIC RECORDS, A DISTANCE OF 474.44 FEET; THENCE NORTH 10°48'51" EAST, ALONG THE EAST LINE OF THE LAKE WORTH DRAINAGE DISTRICT E-4 CANAL, A DISTANCE OF 487.16 FEET; THENCE NORTH 89°47'40" EAST, ALONG THE NORTH LINE OF SAID SOUTHEAST ONE-QUARTER, A DISTANCE OF 754.34 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN THE CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA AND CONTAIN 12.200 ACRES, MORE OR LESS.

EXHIBIT B
LOCATION MAP – AURA DELRAY



September 9, 2020

