



## Cover Memorandum/Staff Report

File #: 25-413

Agenda Date: 4/22/2025

Item #: 7.A.

**TO: Mayor and Commissioners**  
**FROM: Anthea Giannotes, Development Services Director**  
**THROUGH: Terrence R. Moore, ICMA-CM**  
**DATE: April 22, 2025**

RESOLUTION NO. 75-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A LEVEL 4 SITE PLAN, ARCHITECTURAL ELEVATIONS, AND LANDSCAPE PLAN, APPROVING A VARIANCE REQUEST TO SECTION 4.3.4 (K) OF THE LAND DEVELOPMENT REGULATIONS TO REDUCE THE REQUIRED NON-VEHICULAR OPEN SPACE FROM 25 PERCENT TO 23.9 PERCENT, APPROVING A WAIVER REQUEST TO SECTION 4.4.26(H)(1) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW OVERHEAD DOORS TO FACE PUBLIC RIGHTS-OF-WAY, APPROVING A WAIVER REQUEST TO SECTION 4.4.26(H)(3) OF THE LAND DEVELOPMENT REGULATIONS TO REDUCE THE MINIMUM FLOOR AREA PER TENANT OR BAY FROM 4,000 SQUARE FEET TO A RANGE OF 1,519 SQUARE FEET TO 3,038 SQUARE FEET, AND APPROVING A WAIVER REQUEST TO SECTION 4.6.16(H)(3)(A) OF THE LAND DEVELOPMENT REGULATIONS TO REDUCE THE REQUIRED FIVE-FOOT LANDSCAPE STRIP BETWEEN OFF-STREET PARKING OR OTHER VEHICULAR AREAS AND THE ABUTTING PUBLIC RIGHTS-OF-WAY TO TWO FEET FOR THE PROJECT LOCATED AT 905 SW 14TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

### **Recommended Action:**

Review and consider Resolution No. 75-24, approval of a Level 4 Site Plan, Architectural Elevations, and Landscape Plan with variance request, and three waiver requests, to construct a mixed-use office and residential development located at 905 SW 14th Avenue.

### **Background:**

The property at 905 SW 14th Avenue is situated within the Light Industrial (LI) zoning district and within the Wellfield Protection zones 1, 2, 3, and 4. The lot spans 544.42 feet in length by 144.99 feet in width totaling 2.5448 acres bordered by three public rights-of-way: SW 14th Avenue on the west, SW 8th Street on the north, and SW 13th Avenue on the west. Adjacent land uses include an industrial facility to the west, a residential apartment complex to the north, a newly developed housing complex (Island Cove) to the east, and single family to the south. Currently, the site has a two-story warehouse and office building measuring 12,979 square feet on the southern portion of the lot. The northern portion remains undeveloped. The entire site is secured by a 6-foot-tall black decorative metal fence.

A Level 4 Site Plan application with one variance and three waiver requests was submitted to allow the construction of a one-story warehouse and office building covering 20,216 square feet featuring 10 tenant bays (ranging a minimum 1,519 square feet and 3,038 square feet) with a total of 12

overhead doors facing the rights-of-way. The plan also includes 74 new parking spaces, a new on-site generator, bus shelter, two new driveway openings, perimeter landscaping, and storm water retention area. In addition, a 5-foot right-of-way dedication is required along SW 13th Avenue for future improvements. Due to the required dedication, the fence will be located within the public right-of-way. The applicant is requesting permission to allow the fence within the right-of-way until future improvements are made. The City Commission shall consider the Level 4 Site Plan application to include the approval of an agreement to allow the existing fence within the right-of-way. The variance and waiver requests from the Land Development Regulations (LDR) are as follows:

Variance:

1. LDR Section 4.3.4(K), Request to reduce the required minimum 25% non-vehicular open space to 23.9%;

Pursuant to LDR Section 2.4.11(A)(5), requires the approving body of a variance to make a finding:

- (a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings subject to the same zoning;
- (b) That literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning;
- (c) That the special conditions and circumstances have not resulted from actions of the applicant;
- (d) That granting the variance will not confer onto the applicant any special privilege that is denied to other lands, structures, and buildings under the same zoning;
- (e) That the reasons established in the variance petition justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; and
- (f) That the granting of the variance will be in harmony with the general purpose and intent of existing regulations, and will not be injurious to the neighborhood, or be otherwise detrimental to the public welfare; and

3 Waivers:

1. LDR Section 4.4.26(H)(1), Relief to allow overhead doors to face the right-of-way; and
2. LDR Section 4.4.26(H)(3), Relief from the required minimum floor area of at least 4,000 square feet per tenant or bay; and
3. LDR Section 4.6.16(H)(3)(a), Relief from the required 5-foot landscape buffer between the off-street parking area and the right-of-way.

Pursuant to LDR Section 2.4.11B)(5), requires the approving body of a waiver to make a finding:

- (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 a similar circumstance on other property for another applicant or owner.

On January 27, 2025, The Planning and Zoning Board (PZB) voted 6 to 0 to recommend approval with the following conditions:

1. The architectural elevations and overhead doors on the east façade facing the neighboring residential community are modified to be more aesthetically pleasing;
2. The hedge on the east side of the Property screening the fence is maintained at a height in excess of the fence; and
3. The vehicular entrance on the east side of the Property is modified to limit the visibility of the overhead doors from outside the Property by not having direct alignment with the overhead doors.

The Board's recommendation of approval was explicitly contingent upon the applicant addressing these concerns to help mitigate the potential adverse visual and potential noise impacts on the adjacent residential community to the east.

Although the applicant has proposed landscape hedges at their maximum initial height of six feet, with a commitment to maintain them at eight feet, no other substantial design changes were offered to the architectural elevation or to reorient the driveway or shield the overhead doors from direct exposure to the residential community.

The item is now before the City Commission for final action. Additional background and a complete analysis of the request is provided in the attached Planning and Zoning Board staff report.

**City Attorney Review:**

Legal Review approval

**Funding Source/Financial Impact:**

Not applicable.

**Timing of Request:**

Approval of the Level 4 Site Plan, Architectural Elevations, and Landscape Plan with waivers and variance request is required prior to site plan certification, execution of the fence agreement, and submission for building permits.