

RESOLUTION NO. 239-25

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A LEVEL 4 SITE PLAN, ARCHITECTURAL ELEVATIONS, LANDSCAPE PLAN AND WAIVER REQUEST TO SECTION 4.4.12(F)(2) OF THE LAND DEVELOPMENT REGULATIONS TO REDUCE THE MINIMUM FLOOR AREA OF 6,000 SQUARE FEET TO 2,578 SQUARE FEET, FOR THE PROJECT KNOWN AS FIFTH THIRD BANK, LOCATED AT 1820 SOUTH FEDERAL HIGHWAY, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, 1820 Federal Delray LLC (“Owner”), is the owner of a parcel of land measuring approximately 0.87 acres located at 1820 South Federal Highway (“Property”), as more particularly described in Exhibit “A”; and

WHEREAS, Owner designated Nisit Sapparkhao (“Applicant”) to act as its agent regarding the Property; and

WHEREAS, the Property is zoned Planned Commercial (“PC”); and

WHEREAS, the City of Delray Beach, Florida (“City”), received an application (File No. PZ-000014-2025) requesting approval of a Level 4 Site Plan, Architectural Elevations, Landscape Plan, and a waiver request (File No. PZ-000015-2025) to construct a one-story standalone bank with a drive-thru (“Project”); and

WHEREAS, Section 4.4.12(F)(2) of the Land Development Regulations of the City of Delray Beach (“LDR”) requires any free-standing structure in PC zoning to have a minimum floor area of 6,000 square feet; and

WHEREAS, the Applicant requested a waiver to reduce the minimum floor area from 6,000 square feet to 2,578 square feet; and

WHEREAS, LDR Section 2.4.11(B)(5) requires the approving body to make a finding that the granting of a 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 a similar circumstance on other property for another applicant or owner; and

WHEREAS, LDR Section 2.1.5(E)(5)(j), requires the Planning and Zoning Board to make a recommendation to the City Commission prior to final action for Level 4 Site Plan Application; and

WHEREAS, on November 17, 2025, the Planning and Zoning Board voted 7 to 0 to recommend approval of the Level 4 Site Plan, Architectural Elevations, Landscape Plan, and waiver request to the City Commission; and

WHEREAS, on December 8, 2025, the City Commission considered the Level 4 Site Plan, Architectural Elevations, Landscape Plan, and waiver request as well as the Comprehensive Plan and respective criteria and 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 affirmed and ratified.

Section 2. The City Commission makes positive findings that the requested waiver (1) does not adversely affect the neighboring area, (2) does not significantly diminish the provision of public facilities, (3) does not create an unsafe situation, and (4) 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.

Section 3. The City Commission approves the waiver request to LDR Section 4.4.12(F)(2) to reduce the minimum floor area from 6,000 square feet to 2,578 square feet.

Section 4. The City Commission approves the Level 4 Site Plan, Architectural Elevations, and Landscape Plan by finding that the Project, with the approved waiver, is consistent with the Comprehensive Plan and meets the respective criteria and findings as set forth in the Land Development Regulations.

Section 5. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Nisit Sapparkhao, 1208 East Kennedy Boulevard, Suite 230, Tampa, FL 33602.

Section 6. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 7. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

ATTEST:

\_\_\_\_\_  
Alexis Givings, City Clerk

\_\_\_\_\_  
Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

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

**Exhibit "A"**

COMMENCING AT THE NW CORNER OF SECTION 28, TOWNSHIP 46 SOUTH, RANGE 43 EAST; THENCE RUN EAST ALONG THE NORTH BOUNDARY LINE OF SAID SECTION 28, SAID BOUNDARY LINE ALSO BEING THE CENTER LINE OF LINTON BOULEVARD FOR A DISTANCE OF 98.89 FEET TO A POINT; THENCE RUN SOUTH FOR A DISTANCE OF 267.91 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN AFTER TO BE DESCRIBED; THENCE RUN SOUTH 89°59'51" EAST FOR A DISTANCE OF 288.57 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY #1; THENCE CONTINUE SOUTHWESTERLY ALONG SAID WESTERLY RIGHT OF WAY LINE OF SAID U.S. HIGHWAY #1 ALONG A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 1179.25 FEET AND A CENTRAL ANGLE OF 7°11'58" FOR AN ARC DISTANCE OF 148.18 FEET TO A POINT, SAID POINT BEARING SOUTH 71°16'29" EAST TO THE CENTER OF SAID CURVE; THENCE RUN NORTH 89°59'51" WEST FOR A DISTANCE OF 249.93 FEET TO A POINT; THENCE RUN NORTH FOR A DISTANCE OF 143.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH PERPETUAL EASEMENT FOR INGRESS AND EGRESS OVER, ACROSS AND UPON THE ROADWAY, AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 28, TOWNSHIP 46 SOUTH, RANGE 43 EAST; RUN THENCE EAST ALONG THE NORTH BOUNDARY LINE OF SAID SECTION 28, SAID BOUNDARY LINE ALSO BEING THE CENTER LINE OF LINTON BOULEVARD FOR A DISTANCE OF 101.18 FEET TO THE POINT OF BEGINNING OF THE PARCEL HERETOFORE DESCRIBED; THENCE RUN SOUTH FOR A DISTANCE OF 267.91 FEET TO A POINT; THENCE RUN SOUTH 89°59'51" EAST FOR A DISTANCE OF 24 FEET TO A POINT; THENCE RUN NORTH FOR A DISTANCE OF 267.91 FEET TO A POINT; THENCE RUN WEST FOR A DISTANCE OF 24 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND BEING IN THE CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA AND CONTAINING 38,263 SQUARE FEET (0.8784 ACRES), MORE OR LESS.