

Kia Delray
Waiver Request and Justification – Wall Location
Submitted: July 22, 2025

INTRODUCTION

Myers Auto Group DK, LLC (“Applicant”) is the owner of the +/- 3.07 acre property located at 2255 S Federal Highway (PCN 12-43-46-28-07-021-0010), which is generally located on the east side of South Federal Highway approximately 0.3 miles south of Linton Boulevard (“Property”), within the City of Delray Beach (“City”). The Property is designated GC, General Commercial, on the City’s Future Land Use Map, and located within the AC, Automotive Commercial, zoning district. The Property is currently developed as an older Kia car dealership (developed in the mid-1980s), which is in need of modernization.

The Myers Auto Group is a family owned and operated dealership that is committed to redefining the automotive experience one relationship at a time by providing a superior product at an attainable price. The Kia Delray dealership provides a wide selection of new and pre-owned vehicles, as well as a high quality service center for repairs and routine maintenance.

At this time, Applicant intends to redevelop the Property with a modern Kia car dealership that provides expanded car inventory and services to the City’s growing population. The redevelopment will replace older buildings that are at risk of becoming dilapidated with a contemporary dealership. The Project will consist of a 42,228 square foot building, which includes a 2,936 square foot Service Shop area for quick service activities (7 service bays), a 10,747 square foot first floor showroom including 2,600 square feet of display area, as well as a 1,786 square foot second floor administration area. In addition, there will be a 6,177 square foot Reception Drive, 2,931 square foot Parts Department, and 17,651 square foot internal Service Shop (25 service bays), as well as restrooms and ancillary offices. Parking will be a combination of regular spaces and ADA accessible spaces for customers, employees, inventory, display, and service with a total of four hundred thirty-four (434) parking spaces provided where one hundred fifty-nine (159) spaces are required. Lastly, the Project will feature a three (3) story garage to help meet the parking demand of the use.

The new dealership and site layout were thoughtfully designed to shift the building and use area to the west, toward Federal Highway and away from the existing residential community, as well as to introduce a new lushly landscaped buffer and open space retention area along the east property line to increase separation and ensure that there are no adverse impacts to the existing residential community. The proposed configuration represents a significant improvement to the existing conditions. Further, the proposed plantings are consistent with the recommendations of the South Federal Highway Redevelopment Plan.

WAIVER REQUEST

There is an existing wall located along the east property line that is screened by significant mature landscaping on its exterior side, which provides valuable buffering for the adjacent residential community, as shown in the image below.



However, the wall is legally non-conforming with respect to Land Development Regulations (“LDR”) Section 4.6.5(F), which requires a two (2) foot minimum setback for all walls that require landscaping. Relocating the wall two (2) feet westward to meet the current setback requirement would result in unnecessary removal or damage to this existing mature vegetation. As such, in order to facilitate the proposed redevelopment while preserving the existing landscape screening, Applicant respectfully requests approval of the following waiver:

Waiver from the City’s LDR Section 4.6.5(F) to allow the existing six-foot (6’) wall to remain at the property line in lieu of the minimum two (2) foot minimum setback required. (“Waiver”)

Pursuant to the City’s LDR Section 2.4.11(B)(5), Applicant will demonstrate below that the requested waiver complies with the City’s criteria for granting of the waiver.

(a) Granting the Waiver will not adversely affect the neighboring area.

Granting the Waiver will not adversely affect the neighboring area. As noted above, there is significant existing landscaping located on the exterior of the wall, which provides well established visual screening and buffering for the adjacent residential neighborhood from the existing car dealership use and will provide valuable screening during and post-construction of the new dealership. Retaining the wall in its current location will protect and preserve the mature

landscaping that currently exists along the exterior side of the wall, whereas relocating the wall would result in the degradation or destruction of this vegetation. In fact, maintaining both the wall and exterior vegetation, while adding lush new landscaping on the interior side, will result in a superior buffer that bolsters neighborhood compatibility.

(b) The Waiver will not significantly diminish the provision of public facilities.

The requested Waiver has no effect on the provision or performance of public facilities as they are unaffected by the location of the wall. Retaining the wall and supplementing the landscape buffer will continue to support the intended screening function without any adverse impact on public facilities.

(c) The Waiver will not create an unsafe situation.

Granting the Waiver to allow the existing wall to remain will not create an unsafe situation. The existing wall is in good condition and there is no safety-related reason to relocate the wall. It currently functions as an effective physical and visual barrier between the subject property and adjacent residences. Preserving the wall and exterior vegetation will maintain site security, privacy, and neighborhood character.

(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.

This Waiver does not constitute a special privilege, as it is rooted in the desire to preserve existing mature landscaping that benefits the neighboring residential community. The City would provide the same consideration to another applicant requesting to maintain an existing wall with substantial landscaping located on the exterior side of the wall that would be adversely impacted by the relocation of the wall, particularly considering the existing screening and buffering function of the landscaping. As such, under similar conditions the same waiver could reasonably be granted. The request is consistent with the intent of the LDR, which is to provide effective landscape screening.