

RESOLUTION NO. 211-25

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A LEVEL 4 SITE PLAN, ARCHITECTURAL ELEVATIONS, LANDSCAPE PLAN; APPROVING A WAIVER TO SECTION 4.6.9(C)(1)(c)5. OF THE LAND DEVELOPMENT REGULATIONS TO REDUCE THE NUMBER OF REQUIRED BICYCLE SHOWERS FROM EIGHT TO ONE; APPROVING A WAIVER TO SECTION 4.6.5(F) OF THE LAND DEVELOPMENT REGULATIONS TO ELIMINATE THE REQUIRED TWO-FOOT SETBACK FOR A REAR WALL FOR THE PROJECT KNOWN AS THE KIA DELRAY, LOCATED AT 2255 SOUTH FEDERAL HIGHWAY, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Myers Auto Group DK LLC (“Owner”), is the owner of a parcel of land measuring approximately 3.07 acres located at 2255 South Federal Highway (“Property”), as more particularly described in Exhibit “A”; and

WHEREAS, Owner designated Mike Troxell, Thomas Engineering (“Applicant”) to act as its agent regarding the Property; and

WHEREAS, the Property is zoned Automotive Commercial (“AC”); and

WHEREAS, the City of Delray Beach, Florida (“City”), received an application (File No. 2024-259) requesting approval of a Level 4 Site Plan, Architectural Elevations, Landscape Plan, and two waivers to construct a two-story Kia dealership with a three-story parking garage to the rear (“Project”); and

WHEREAS, Section 4.6.9(C)(1)(c)(5) of the Land Development Regulations of the City of Delray Beach (“LDR”) requires two showers plus two showers per every 50,000 square feet of combined parking and floor area in certain commercial buildings greater than 50,000 square feet; and

WHEREAS, the Applicant requested a waiver to reduce the number of required bicycle showers from eight to one; and

WHEREAS, Section 4.6.5(F) of the Land Development Regulations of the City of Delray Beach (“LDR”) requires fences and walls to be landscaped and set back a minimum two feet from the property line to provide adequate area for vegetation to mature; and

WHEREAS, the Applicant requested a waiver to allow the rear wall adjacent to the west residential zoning district to remain at the property line rather than providing the required two-foot setback; 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 on Level 4 Site Plan Applications; and

WHEREAS, on October 20, 2025, the Planning and Zoning Board voted 6 to 1 to recommend approval of the Level 4 Site Plan, Architectural Elevations, Landscape Plan, and waiver requests to the City Commission with a condition to include a landscape maintenance agreement; and

WHEREAS, on November 18, 2025, the City Commission considered the Level 4 Site Plan, Architectural Elevations, Landscape Plan, and waiver requests 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 waivers (1) do not adversely affect the neighboring area, (2) do not significantly diminish the provision of public facilities, (3) do not create an unsafe situation, and (4) do 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 4.6.9(C)(1)(c)(5) to reduce the number of required bicycle showers from eight to one.

Section 4. The City Commission approves the waiver request to LDR Section 4.6.5(F) to allow the rear wall adjacent to the west residential zoning district to remain at the property line rather than providing the required two-foot setback.

Section 5. The City Commission approves the Level 4 Site Plan, Architectural Elevations, and Landscape Plan by finding that the Project, with the approved waivers, is consistent with the Comprehensive Plan and meets the respective criteria and findings as set forth in the Land Development Regulations.

Section 6. The City Clerk, or designee, is directed to send a certified copy of this Resolution to 6300 NW 31st Avenue, Fort Lauderdale, Florida 33309.

Section 7. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 8. 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"

PARCEL 1

LOTS 1 AND 4, BLOCK 21, DEL-RATON PARK, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 14, PAGES 9 AND 10, LESS AND EXCEPT PORTION THEREOF CONVEYED TO THE STATE OF FLORIDA IN WARRANTY DEED DATED JULY 6, 1955 AND RECORDED IN DEED BOOK 1103, PAGE 299 AND DESCRIBED AS FOLLOWS: FROM THE SW CORNER OF SAID LOT 1, RUN NORTHERLY ALONG THE WEST LINE OF SAID LOT 1 FOR A DISTANCE OF 125 FEET TO THE NW CORNER OF SAID LOT; THENCE RUN EASTERLY ALONG THE NORTH LINE OF SAID LOT 1 A DISTANCE OF 28.1 FEET TO THE NE CORNER OF SAID LOT 1; THENCE RUN EASTERLY ALONG THE NORTH LINE OF SAID LOT 4 FOR A DISTANCE OF 10.10 FEET; THENCE RUN S 0 DEGREES 11 MIN. 12 SEC. W., ACROSS SAID LOTS 4 AND 1 FOR A DISTANCE OF 126.94 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 1; THENCE RUN WESTERLY ALONG THE SOUTH LINE OF SAID LOT 1 FOR A DISTANCE OF 38 FEET TO THE SW CORNER OF SAID LOT 1 AND THE POINT OF BEGINNING.

LOTS 14, 15, 16, 17 AND 18, BLOCK 37, AND LOTS 29, 30, 31, 32 AND 33 IN BLOCK 37, DEL-RATON PARK, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 14, PAGES 9 AND 10.

ALL THAT PART OF FREDERICK BOULEVARD, BEING A PART OF THAT CERTAIN PLAT KNOWN AS DEL-RATON PARK AS RECORDED IN PLAT BOOK 14, PAGES 9 AND 10, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 14, BLOCK 37 OF DEL-RATON PARK; THENCE WESTERLY TO THE NORTHEAST CORNER OF LOT 4, BLOCK 21 OF DEL-RATON PARK; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF LOT 4, BLOCK 21 OF DEL-RATON PARK TO THE SOUTHEAST CORNER OF SAID LOT 4, BLOCK 21, DEL-RATON PARK; THENCE EASTERLY TO THE SOUTHWEST CORNER OF LOT 18, BLOCK 37, DEL-RATON PARK; THENCE NORTHERLY ALONG THE WESTERLY BOUNDARY OF LOTS 18, 17, 16, 15 AND 14, BLOCK 37, DEL-RATON PARK TO THE POINT OF BEGINNING.

LOTS 12, 13, 34 AND 35, AND A 50-FOOT STRIP LYING WEST OF LOTS 12 AND 13, EXTENSION TO HIGHWAY 1, BLOCK 37, DEL-RATON PARK SUBDIVISION, PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 14, PAGE 9, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

THAT PART OF AVENUE B AS SHOWN ON PLAT OF DEL-RATON PARK AS RECORDED IN PLAT BOOK 14, PAGE 9, PALM BEACH COUNTY, FLORIDA PUBLIC RECORDS, BOUNDED AS FOLLOWS: ON THE EAST BY THE WEST LINE OF LOTS 12

AND 13, BLOCK 37; ON THE NORTH BY THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 12, BLOCK 37, AND THE SOUTH LINE OF BLOCK B; ON THE SOUTH BY THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 13, BLOCK 37, AND THE NORTH LINE OF BLOCK 21, AND ON THE WEST BY A LINE PARALLEL TO AND 60 FEET EAST OF THE CENTER LINE OF STATE ROAD 5 AS SHOWN ON ROAD PLAT BOOK 2, PAGE 74, ALL BEING IN THE PLAT OF DEL-RA TON PARK, AS RECORDED IN PLAT BOOK 14, PAGE 9, PALM BEACH COUNTY, FLORIDA, PUBLIC RECORDS.

PARCEL 2

LOTS 1, 2, 45 AND 46, BLOCK 37, DEL-RATON PARK, A SUBDIVISION IN PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF, RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT SOUTH IN AND FOR PALM BEACH COUNTY, FLORIDA IN PLAT BOOK 14, PAGE 9;

THAT STRIP OF LAND FORMERLY A PART OF FREDERICK BOULEVARD NOW ABANDONED BY THE BOARD OF COMMISSIONERS, PALM BEACH COUNTY, WHICH STRIP IS BOUNDED AS FOLLOWS: ON THE EAST BY THE WEST LINE OF LOTS 1 AND 2, BLOCK 37, DEL-RATON PARK; ON THE NORTH BY THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 1; ON THE SOUTH BY THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 2; AND ON THE WEST BY A LINE PARALLEL TO AND 60 FEET EAST OF THE CENTER LINE OF STATE ROAD 5 (U.S. HIGHWAY NO. 1) AS SHOWN ON ROAD PLAT BOOK 2, PAGE 74, PALM BEACH COUNTY RECORDS. SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

AND

LOTS 3 TO 11, INCLUSIVE, AND LOTS 36 TO 44, INCLUSIVE, IN BLOCK 37, OF DEL-RATON PARK, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 14, PAGES 9 AND 10;

ALSO THAT PART OF FREDERICK BOULEVARD, 60 FEET WIDE AND 225 FEET LONG (NORTH AND SOUTH) BOUND ON THE WEST BY THE EAST LINE OF BLOCK "B", AND ON THE EAST BY THE WEST LINE OF BLOCK 37, ON THE SOUTH BY A WESTERLY PROLONGATION OF THE SOUTH LINE OF LOT 11, BLOCK 37, AND ON THE NORTH BY THE WESTERLY PROLONGATION OF THE NORTH LINE OF LOT 3, BLOCK 37, AS SHOWN ON SHEET 1 OF 2 SHEETS, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 14, PAGES 9 AND 10.