

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.

WHEREAS, GS Deerfield, LLC (“Owner”), is the owner of a parcel of land measuring approximately 2.56 acres located at 905 SW 14th Avenue, Delray Beach, Florida 33444 (“Property”), as more particularly described in Exhibit “A”, attached hereto and incorporated herein; and

WHEREAS, Owner designated John Tice of Gallo Herbert Architect (“Applicant”) to act as its agent regarding the Property; and

WHEREAS, the Property is zoned Light Industrial (“LI”); and

WHEREAS, the City of Delray Beach, Florida (“City”), received a Level 4 Site Plan, Architectural Elevations, Landscape Plan, variance request, and three waiver requests (File No. 2023-159) from the Applicant to construct a 20,216 square foot office/warehouse (“Project”); and

WHEREAS, Section 4.3.4(K) of the Land Development Regulations of the City of Delray Beach (“LDR”) requires a minimum of 25 percent non-vehicular open space; and

WHEREAS, the Applicant requested a variance to allow 23.9 percent non-vehicular open space; and

WHEREAS, LDR Section 4.4.26(H)(1) prohibits overhead doors from facing adjacent public right-of-way in the LI zoning district; and

WHEREAS, the Applicant requested a waiver to allow 12 overhead doors to face the adjacent public rights-of-way of SW 13th Avenue and SW 14th Avenue; and

WHEREAS, LDR Section 4.4.26(H)(3) requires a minimum floor area of at least 4,000 square feet per tenant or bay in the LI zoning district; and

WHEREAS, the Applicant requested a waiver to allow 10 bays with minimum floor areas ranging between 1,519 square feet and 3,038 square feet; and

WHEREAS, LDR Section 4.6.16(H)(3)(a) requires perimeters adjacent to rights-of-way to have a five-foot landscape strip between off-street parking or other vehicular use areas and abutting rights-of-way; and

WHEREAS, the Applicant requested a waiver to allow a two-foot landscape strip between the off-street parking or other vehicular area for a portion abutting the public right-of-way of SW 13th Avenue; and

WHEREAS, 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

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 Applications; and

WHEREAS, on January 27, 2025, the Planning and Zoning Board voted 6 to 0 to recommend approval of the Level 4 Site Plan, Architectural Elevations, Landscape Plan, variance request, and three waiver requests to the City Commission, subject to 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; and

WHEREAS, on April 22, 2025, the City Commission considered the Level 4 Site Plan, Architectural Elevations, Landscape Plan, variance request, and three 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 regarding the variance request (1) 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, (2) that literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning, (3) that the special conditions and circumstances have not resulted from actions of the applicant, (4) 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, (5) 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 (6) 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.

Section 3. 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 4. The City Commission approves the variance request to LDR Section 4.3.4(K) to reduce the required non-vehicular open space from 25 percent to 23.9 percent for the Project.

Section 5. The City Commission approves the waiver request to LDR Section 4.4.26(H)(1) to allow 12 overhead doors to face the public rights-of-way of SW 13th Avenue and SW 14th Avenue for the Project.

Section 6. The City Commission approves the waiver request to LDR Section 4.4.26(H)(3) to reduce the minimum floor area from 4,000 square feet to floor areas ranging between 1,519 square feet and 3,038 square feet for 10 bays in the Project.

Section 7. The City Commission approves the waiver request to LDR Section 4.6.16(H)(3)(a) to reduce the minimum landscape strip between the off-street parking or other vehicular areas from five feet to two feet for a portion abutting the public right-of-way of SW 13th Avenue for the Project.

Section 8. The City Commission approves the Level 4 Site Plan, Architectural Elevations, and Landscape Plan by finding that the Project, with the approved variance and waivers, is consistent with the Comprehensive Plan and meets the respective criteria and findings as set forth in the Land Development Regulations.

Section 9. The City Clerk, or designee, is directed to send a certified copy of this Resolution to John Tice, Gallo Herbert Architecture, 1311 W. Newport Drive, Suite A, Deerfield Beach, Florida 33442.

Section 10. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 11. 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”

ALL OF KING INDUSTRIAL PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 67, PAGE 137, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.