

RESOLUTION NO. 22-26

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, FINDING THAT A BUILDING MATERIAL SUPPLY COMPANY WITH OUTDOOR STORAGE OF ROOFING MATERIALS AND ACCESSORY OVERNIGHT TRUCK STORAGE IS AKIN TO A LUMBERYARD AND APPROVING A CONDITIONAL USE; APPROVING A LEVEL 4 SITE PLAN, AND LANDSCAPE PLAN AT 1127 POINSETTIA DRIVE, AS MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT TO THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES AND THE COMPREHENSIVE PLAN OF THE CITY OF DELRAY BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, KM Property Consultants, LLC (“Owner”) is the owner of a parcel of land measuring approximately 2.0416 acres located at 1127 Poinsettia Drive (“Property”), as more particularly described in Exhibit “A”; and

WHEREAS, the Property is zoned Mixed Industrial and Commercial District (MIC); and

WHEREAS, ABC Supply Company (“Applicant”) desires to operate a building material supply business that includes the outdoor storage of roofing material and accessory overnight storage of trucks at the Property; and

WHEREAS, the Owner and Applicant designated Jeffrey A. Costello AICP, FRA-RP of JC Planning Solutions, to act as the agent (“Agent”); and

WHEREAS, the City of Delray Beach, Florida (“City”), received an application (File No. 2023-207-USE-PZB) requesting approval of a Level 4 Site Plan, Architectural Elevations, Landscape Plan, and a Conditional Use to allow a building materials supply business, including outdoor storage of roofing materials and accessory overnight storage of trucks, to operate at the Property (“Project”); and

WHEREAS, a building material supply business, including outdoor storage of roofing materials and accessory overnight storage of trucks is considered akin to a lumberyard; and

WHEREAS, pursuant to Section 4.4.19(D)(2)(a) of the Land Development Regulations of the City of Delray Beach (“LDR”), lumberyards are allowed as a conditional use in the MIC zoning district, provided any outside storage associated with such uses may not be located within 150 feet of any property line adjacent to an arterial roadway (excluding Interstate 95); and

WHEREAS, outside uses are allowed pursuant to LDR Section 4.6.6(A)(2) which states that, “[c]ertain conditional uses that are allowed within commercial, industrial, and mixed use districts can be characterized as outside uses. Such operations may be conducted outside when it is specifically determined through the conditional use process that the outside aspects of the use are appropriate. Conditions may be applied to mitigate visual and other impacts;” and

WHEREAS, the storage of inventory, equipment, or materials, within a structure or in an approved outside location is allowed as an accessory use in the MIC zoning district, pursuant to LDR Section 4.4.19(C)(4); and

WHEREAS, LDR Section 2.4.6(A)(5) requires the approving body to make findings that establishing the conditional use will not:

- (a) Have a significantly detrimental effect upon the stability of the neighborhood within which it will be located; nor
- (b) Hinder development or redevelopment of nearby properties; and

WHEREAS, LDR Section 2.4.6(A)(4) authorizes the approving body to impose conditions pursuant to Article 2.2, and limitations on the hours of operation and/or the longevity of the use; and

WHEREAS, at its meeting on January 26, 2026, the Planning and Zoning Board voted 7 to 0 to recommend approval of the Level 4 Site Plan including the conditional use request to the City Commission; and

WHEREAS, on March 9, 2026, the City Commission considered the request for a Level 4 Site Plan, Architectural Elevations, Landscape Plan, and Conditional Use and the respective 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. The foregoing recitals are hereby affirmed and ratified.

Section 2. The City Commission makes positive findings that the requested conditional use (1) will not have a significantly detrimental effect upon the stability of the neighborhood within which it will be located and (2) will not hinder development or redevelopment of nearby properties.

Section 3. The City Commission approves the conditional use request to allow a building material supply business, including outdoor storage of roofing materials and accessory overnight storage of trucks at the Property.

Section 4. The City Commission approves the Level 4 Site Plan and Landscape Plan by finding that the Project 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 Jeffrey A. Costello, AICP, FRA-RP, JC Planning Solutions; 981 Delray Lakes Drive; Delray Beach, FL 33444.

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 _____, 2026.

ATTEST:

Alexis Givings, City Clerk

Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

EXHIBIT "A"

LOTS 1,2,3, 4,6 AND LOT 8 OF THE PLAT OF SUNNY ACRES, AS RECORDED IN PLAT BOOK 21, PAGE 63 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY AND CONTAINING 87,755 SQUARE FEET (2.0146 ACRES), MORE OR LESS.

PCN 12-43-46-20-23-002-0010 and 12-43-46-20-23-002-0080

