



Cover Memorandum/Staff Report

File #: 24-1560

Agenda Date: 12/10/2024

Item #: 7.B.

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Director
THROUGH: Terrence R. Moore, ICMA-CM
DATE: December 10, 2024

RESOLUTION NO. 240-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.4.19(H)(3) OF THE LAND DEVELOPMENT REGULATIONS APPROVING OVERHEAD DOORS FACING A PUBLIC RIGHT-OF-WAY FOR THE PROPERTY LOCATED AT 1215 MILFRED STREET, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.(QUASI JUDICIAL)

Recommended Action:

Review and consider Resolution No. 240-24 approving a waiver to allow overhead doors facing a public right-of-way on the property located at 1215 Milfred Street.

Background:

The .41-acre property is in the Mixed Industrial & Commercial (MIC) zoning district on a parcel of land located at the corner of Gwenzell Avenue and Milfred Street. The Land Use Map designation is Commerce (CMR).

The subject property is bounded by Milfred Street on the south and Gwenzell Avenue on the west. A vacant property adjoins the parcel to the north side and an existing single-family home adjoins the parcel on the east side. The subject property is surrounded by MIC zoning. A Level 2 Site Plan application (2023-206) has been submitted for the construction of a one-story warehouse and associated office consisting of approximately 5,597 square feet. A waiver is requested to allow overhead doors facing Gwenzell Avenue. The waiver must be approved by the City Commission prior to Board review of the proposed Level 2 Site Plan.

Waiver:

The applicant has requested a waiver from LDR Section 4.4.19(H)(3), which prohibits overhead doors from facing a public right-of-way. The overhead doors are proposed facing Gwenzell Avenue to carry out the daily functions of the loading and unloading of materials into the new building.

Pursuant to LDR Section 2.4.7(B)(5), Waiver: Findings, *prior to granting a waiver, the granting body shall make findings that the granting of the 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 similar circumstances on other property for another applicant or owner.*

Per the lot configuration, Milfred Street is considered the front of the property, having the least amount of street frontage; therefore, Gwenzell Avenue is considered the side street. However, in MIC, both frontages have the same minimum 25' setback requirement. The east property line is considered the interior side. The north property line is considered the rear of the property. It is important to note, the property lines that do not adjoin public rights of ways are the least conducive to accommodating loading/unloading facilities and activities. The .41-acre site is not large enough to position the loading area behind the building.

The proposed building has all of the doors, including the overhead doors, facing Gwenzell Avenue. The building is setback 62.8 feet and separated from the Gwenzell Avenue right-of-way with a new sidewalk, landscaping, and parking area. All functions, except loading and unloading material, of the proposed project are within the warehouse; no outside storage is proposed.

Policy NDC 1.4.3 of the Always Delray Comprehensive Plan allows a maximum floor area ratio of 0.60 under the CMR land use designation. The applicant is proposing a FAR of 0.36; therefore, the intensity of the proposed structure is less than the maximum FAR allowance.

Policy NDC 1.4.3, the Industrial land use designation is *to accommodate, manufacturing, fabrication, assembly, and warehousing uses on properties where such uses currently exist and in areas identified as appropriate to continue or expand industrial-based uses.*

The subject site is located within an industrial business park that includes warehouse uses, with unloading and loading facilities across Gwenzell Avenue from the property. The overhead doors are proposed facing Gwenzell Avenue, which is a local street, and will not result in a use that is more intense than permitted in the MIC district. The proposed loading operations and access to the subject property are limited to Gwenzell Avenue.

Wallace Drive serves as a collector road for the area. As part of the site improvements, sidewalks will be required along both streets within the public rights-of-way. Granting the waiver for overhead doors facing Gwenzell Avenue will not diminish the public facilities, nor create an unsafe situation, as the site plan accommodates spaces to load/unload into the warehouse building without utilizing right-of-way areas.

Similar waivers have been approved for other projects within the Wallace Drive Industrial Area, including 1201 Georgia Street (Hometown Pest Control) and Galaxy Marble development.

City Attorney Review:

Approves to form and legal sufficiency.

Funding Source/Financial Impact:

N/A

Timing of Request:

Approval is needed prior to board consideration of the Level 2 Site Plan, which, if

approved, will appear on the City Commission Appealable Report.