

RESOLUTION NO. 09-25

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A SIMILARITY OF USE DETERMINING THAT A GUNITE YARD IS SIMILAR TO MANUFACTURING AND WHOLESALE OF FINAL PRODUCTS USING CERAMICS AND PLASTER MATERIAL WITHIN THE MIXED INDUSTRIAL AND COMMERCIAL (MIC) DISTRICT, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Platinum RE HLDG, Inc. (“Owner”) is the owner of the parcel of land measuring approximately 1.85 acres located at 135 North Congress Avenue (“the Property”), as more particularly described in Exhibit “A”; and

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

WHEREAS, the City of Delray Beach, Florida (“City”) received a request for a Similarity of Use (2024-232) (“Application”) from Neil Schiller, Esq. on behalf of Owner and the Lessee of the property, Calabash Gunite, Inc. (collectively referred to as “Applicant”), seeking a determination that the operation of a gunite yard is similar to manufacturing and wholesale of final products using ceramics and plaster material, which is a permitted use in the MIC district; and

WHEREAS, the Planning and Zoning Board approved the Application; and

WHEREAS, Article 2.5. of the LDR provides procedures for reviewing and reversing, through a new evidentiary hearing, any action which if not appealed is final; and

WHEREAS, at the November 4th, 2024, regular meeting, City Commission voted to appeal the Planning and Zoning finding of a similarity of use; and

WHEREAS, LDR Section 2.4.6(D)(5), which governs the procedure for similarity of use requests, requires the approving body to make a finding that the requested use is, indeed, similar to other uses allowed in the zoning district and is in keeping with the stated purpose of the district.

WHEREAS, on February 4th, 2025, the City Commission of the City of Delray Beach considered the Similarity of Use Request and has considered the respective findings as set forth in the Comprehensive Plan and 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 incorporated herein by this reference and are approved and adopted.

Section 2. The City Commission makes positive findings that a Gunite Yard is similar to other

uses allowed in the zoning district and is in keeping with the stated purpose of the district.

Section 3. The City Commission approves the gunite yard as a similar use, and therefore, allows its operation within the Mixed Industrial And Commercial (MIC) District.

Section 4. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Neil Schiller, Esq. at 137 NW First Avenue, Delray Beach, Florida 33444.

Section 5. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 6. 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"

LEGAL DESCRIPTION

Lot 2, Plat of Congress Industrial Square, according to the Plat thereof, as recorded in Plat book 82, Page 61, of the Public Records of palm beach County, Florida.