



## Cover Memorandum/Staff Report

File #: 20-046

Agenda Date: 3/3/2020

Item #: 7.D.

**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** George Gretsas, City Manager  
**DATE:** March 3, 2020

RESOLUTION NO. 33-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH APPROVING A TEMPORARY USE PERMIT REQUEST FOR A TEMPORARY PARKING LOT WITH WAIVERS TO LDR SECTIONS 2.4.6(F)(3)(e)1, 3, 4, 5, 7 AND 8 AT 2419, 2507, 2515, 2519, 2601, 2605 N. FEDERAL HWY (PCN 12-43-46-04-08-000-0310, 12-43-46-04-08-000-0320, 12-43-46-08-000-0330, 12-43-46-08-000-0340, 12-43-46-04-08-000-0352, 12-43-46-04-08-000-0351); PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES (QUASI-JUDICIAL).

### **Recommended Action:**

Review and consider Resolution No. 33-20, approving a temporary use permit requires for a temporary parking lot with waivers at 2419, 2507, 2515, 2519, 2601, and 2605 N. Federal Hwy.

### **Background:**

An application for a temporary use permit with waivers from LDR Sections 2.4.6(F)(3)(e)1, 3, 4, 5, 7, and 8 to allow a temporary parking lot for the storage of vehicles on property located at 2419, 2507, 2515, 2519, 2601, 2605 N. Federal Hwy was submitted on behalf of Adoodleoo, LLC. The subject property is located on the east side of N. Federal Highway just south of Gulfstream Blvd, consists of a combined 3.02 acres, and is zoned General Commercial (GC). The temporary use permit is for the storage of vehicles for the property located at 2650 N. Federal Hwy, during redevelopment of on-site improvements. The property is currently vacant.

As part of the request for a temporary use permit for a temporary parking lot, the applicant is requesting relief from the following Land Development Regulation requirements:

*LDR Section 2.4.6(F)(3)(e)1. A temporary parking lot may be permitted within the following areas:*

*a. the portion of the Central Business District (CBD) and Community Facilities (CF) District, which is bounded by Swinton Avenue on the west, the Intracoastal Waterway on the east, N.E. 2nd Street on the north, and S.E. 2nd Street on the south;*

*b. the portion of the CBD District which is bounded by N.E. 2nd Avenue on the west, the FEC Railway on the east, N.E. 2nd Street on the south, and N.E. 4th Street on the north;*

*c. the portion of the CBD located east of the Intracoastal Waterway;*

*d. the non-residential zoning districts bounded by Swinton Avenue on the east, I-95 on the west, N.W. 1st Street on the north, and S.W. 1st Street on the south.*

**The proposed location is not within these geographical parameters.**

*LDR Section 2.4.6(F)(3)(e)3. Prior to issuance of the temporary use permit, the applicant shall submit a site plan which includes proposed grade elevations, landscaping and other information which addresses the regular maintenance of the parking surface and irrigation of the landscaped areas.*

**The applicant requests a waiver from the site plan submittal requirement for the temporary car storage use.**

*LDR Section 2.4.6(F)(3)(e)4. The City Engineer shall approve the grading plan for the parking lot and the site plan shall be reviewed and recommended for approval by the Parking Management Advisory Board prior to submission to the City Commission for consideration.*

**The applicant requests a waiver from the grading plan requirement for the temporary car storage use.**

*LDR Section 2.4.6(F)(3)(e)5. Permits for temporary parking lots shall be issued for a one-year period and may be renewed annually to a maximum of three years upon review and positive recommendation by the Parking Management Advisory Board.*

**The applicant requests a two-year permit for the temporary car storage use.**

*LDR Section 2.4.6.(f)(3)(e)7. Within 30 days of expiration of the permit, all rock or gravel surfaces shall either be removed or covered with topsoil. The site shall then be sodded or landscaped as determined acceptable by the Planning and Zoning Department.*

**The applicant requests a waiver as they do not intend to use rock or gravel for the surface.**

*LDR Section 2.4.6(f)(3)(e)8. A temporary parking lot shall be constructed to the following specifications:*

*a. The parking lot surface shall be brought to grade with a dust-free surface of one of the following materials over soil which has been compacted to 95 percent maximum density per American Association of State Highway and Transportation Officials (AASHTO) T-180:*

- 1. four inches of crushed limerock or shellrock coated with a prime coat per Florida Department of Transportation (FDOT) "Standard Specifications for Road and Bridge Construction", latest edition;*
- 2. four inches of pearock, gravel or river rock; or*
- 3. six inches of mulch.*

*b. If the lot is not operated on a 100 percent valet basis, wheel stops shall be provided to indicate individual spaces. The size of the parking spaces, maneuvering areas and aisle widths shall be subject to the standards of Section 4.6.9(D)(4). In addition, the parking lot shall meet the requirements of the "Florida Accessibility Code for Building Construction".*

*c. If the lot is operated on a 100 percent valet basis, then wheel stops shall be provided at the edge of the parking surface.*

*d. The lot shall meet the requirements of Section 4.6.9(D)(3) for access to the street system. Driveway aprons between the edge of pavement and the right-of-way line shall be constructed of*

*asphalt or concrete.*

*e. The parking lot perimeter shall be buffered with a minimum three feet wide landscape strip, screened with a minimum two feet high hedge or four feet high opaque fence. Water for irrigation shall be available within 50 feet of all landscaped areas.*

*f. If the parking lot is to be utilized at night, the applicant shall contract with FPL to install supplementary lighting on adjacent power poles where possible. The applicant may, as an option, provide alternative on-site lighting for the parking lot.*

*g. Trees of four inches or greater diameter at four and one-half feet above the ground shall not be removed.*

**The applicant does not intend to install an improved surface, wheel stops, or landscaping. The applicant has agreed to protect existing landscaping and trees on the site.**

Pursuant to LDR section 2.4.7(B)(5), prior to granting a waiver the granting body shall make findings 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

The applicant is requesting a waiver outside of the geographic area and states that they will use the site in its current condition, therefore a site plan is not necessary to show proposed grade elevations, landscaping and other information. The applicant does not intend to repave the lot but use it in its current condition as they state it is for automobile storage purposes only; therefore, a grading plan from the City Engineer is not necessary. The proposed regulations are intended to guide temporary parking for special events, etc. The storage of vehicle inventory that does not have access by the general public or utilize valet functions is not anticipated by the code. However, this type of temporary parking use can have visual impacts to the surrounding area and the degradation of an unimproved the lot surface over time is a concern, as is nighttime safety. Residents have expressed a concern about the impact of car alarms. The applicant is proposing gates for the proposed lot that will always remain locked and well-secured to maintain a safe situation. In addition, the existing fence and screening will remain intact through the duration of the twenty-four-month period, and lights are to be maintained on the site.

The temporary use permit is allowed by the code for a one-year period; the applicant is requesting a two-year approval. The granting of the waiver would not be considered a special privilege in that similar temporary use permits for temporary parking lots with waivers for other properties have been granted. In fact, this property was used at an earlier date to store automobiles for Volvo during the reconstruction of their facility.

The resolution has several conditions of approval that must be maintained throughout the duration of the two year period of the temporary use of the temporary parking lot to ensure that it will not adversely affect the neighboring area, diminish the provisions of public facilities nor create an unsafe

situation:

- a. Applicant shall be required to obtain building permits prior to improving and storing vehicles on site.
- b. Adequate and functioning security lighting shall be installed prior to storing vehicles on site. Lighting levels shall be maintained, per LDR Section 4.6.8, until the proposed temporary use vacates the site. A building permit shall be submitted for the installation of lighting.
- c. Property shall be maintained in a clean and orderly manner. Debris and trash shall be removed regularly.
- d. The unpaved area to be used for storage of vehicles shall be graded with gravel if not sodded with Bahia grass or weed and/or the grass must be maintained in good condition.
- e. No parking, loading or unloading of the vehicles outside of the property.
- f. The gates shall be locked and well secured to avoid vandalism and theft from occurring on the property. In addition, the existing security and wall system shall be maintained.
- g. No sales activity on the property. No customers are permitted on the property.
- h. No signage around the property perimeter.
- i. No advertising on or around the property's perimeter.
- j. The property shall be returned to its current conditions, in accordance with the Land Development Regulations, prior to expiration of the temporary use permit (temporary improvements associated with the request shall be removed.)
- k. The applicant shall be required to provide a Stormwater Pollution Prevention Plan demonstrating how tracking of dirt/dust off-site from the storage area will be accomplished if it is not paved, maintained as sod in good condition, or graded with gravel.
- l. The temporary use permit is valid for a period of two years with an expiration date of March 3, 2022. Extension requests shall be approved by the City Commission and must be requested 90 days prior to the expiration.
- m. The applicant shall place a cash deposit of \$19,500.00 in escrow prior to issuance of a building permit. The deposit is to be returned after the expiration of the permit if the site complies with all the conditions of approval and is vacated on time and/or does not comply with all the conditions of approval, the City Commission may authorize a portion or the full amount of the funds to be retained by the City based upon the amount of time the temporary parking lot occupies the site beyond the expiration date.

It should be noted that this will be the fifth request for a temporary parking lot for the storage of vehicles in the City since 2018.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

N/A