

RESOLUTION NO. 127-19

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE PURSUANT TO LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, AND THE COMPREHENSIVE PLAN, TO ALLOW THE ESTABLISHMENT OF A NEIGHBORHOOD AUTOMOTIVE RENTAL FACILITY AT 14802 S. MILITARY TRAIL; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, Michael E. Wood Consultant (“Agent”) on behalf of Enterprise Holding, Inc. (“Applicant”) and BBB Plaza Associates, LTD (“Property Owner”) submitted a Conditional Use application (2019-156-USE-PZB) to allow the establishment of a Neighborhood Automotive Rental Facility at a shopping center, known as Bed Bath & Beyond Plaza, located at 14802 S. Military Trail, Delray Beach, (PCN: 12-43-46-13-00-000-7070) within the Planned Commercial (PC) zoning district within the Four Corners Overlay District; and

WHEREAS, LDR Section 2.4.5(E)(5), *Establishment of a Conditional Use*, establishes the findings that in addition to provisions of Chapter 3 of the Land Development Regulations (LDRs), the City Commission must make findings that establishing the conditional use will not have a significantly detrimental effect upon the stability of the neighborhood within which it will be located, nor hinder development or redevelopment of nearby properties; and

WHEREAS, LDR Section 4.4.12(D)(6) allows Neighborhood Automotive Rental Facility as a conditional use in the PC zoning district within the Four Corners Overlay District subject to the requirements of Section 4.3.3(C) and provided that the use shall not fundamentally alter the retail nature of the shopping center; and

WHEREAS, the Conditional Use (2019-156-USE-PZB) was presented to the Planning and Zoning Board (PZB) at a public hearing conducted on June 10, 2019, and the PZB recommended approval (5-0); and

WHEREAS, the Conditional Use (2019-156-USE-PZB) was presented to the City Commission at a quasi-judicial hearing conducted on July 9, 2019; and

WHEREAS, the City Commission has reviewed the Conditional Use to establish a Neighborhood Automotive Rental Facility at 14802 S. Military Trail and has considered the respective findings for each as set forth in the LDRs.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the forgoing recitals are hereby incorporated herein by this reference and are approved and adopted.

Section 2. The City Commission makes positive findings for granting approval of the Conditional Use to allow a 1,983 square feet Neighborhood Automotive Rental Facility at 14802 S. Military Trail, pursuant to Land Development Regulations Sections 2.4.5(E)(5)(Conditional Use Findings), 4.3.3(C)(Special Regulations), Chapter 3(Performance Standards) and the policies of the Comprehensive Plan, subject to the following conditions:

1. A Class III Site Plan Modification shall be approved prior to establishment of the conditional use;
2. The establishment shall operate and comply with the special regulations associated with the Conditional Use request per LDR Section 4.3.3(C).
3. Clarification of the proposed on-site method of disposal of the water runoff generated from the car

wash shall be approved by the City Engineer prior to a board action associated with the Site Plan Modification.

4. Signage shall be provided indicating that customer pick-up and drop-off of vehicles is not allowed in the rear.

Section 3. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the ____ day of _____, 2019.

Shelly Petrolia, M A Y O R

ATTEST:

Katerri Johnson, City Clerk

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney