

RESOLUTION NO.104-23

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING AN IN-LIEU OF PARKING FEE REQUEST FOR THE PROPERTY LOCATED AT 319 NE 3<sup>rd</sup> AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT CONSISTENT WITH THE APPROVAL HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Big B Investments LLC, (“Owner”) is the owner of a parcel of land measuring approximately 0.065 acres located at 319 NE 3<sup>rd</sup> Avenue (“Property”); and

WHEREAS, the City of Delray Beach, Florida received an application requesting a Class III Site Plan Modification (File No. 2022-268) from the Owner seeking to add square footage to the existing building and to change the use from office to restaurant (“Project”); and

WHEREAS, the Property is zoned Central Business District (“CBD”); and

WHEREAS, pursuant to the Land Development Regulations (“LDR”) of the City of Delray Beach, the required parking amount for the Project is 12 spaces based on the calculation of its restaurant use area; and

WHEREAS, for properties zoned CBD, Section 4.4.13(I)(3)(a)(6) of the LDR provides an option to pay an in-lieu of fee when on-site or off-site requirements for parking on-site or off-site cannot be met; and

WHEREAS, LDR Section 4.6.9(E)(3) states that a maximum limit of 30 percent of eligible required parking can be provided; however, there is no maximum for use conversions; and

WHEREAS, the Owner is requesting to pay a fee of \$55,200.00 in lieu of providing 12 required parking spaces on the Property; and

WHEREAS, at its meeting on April 25, 2022, the Parking Management Advisory Board voted 5 to 0 to recommend approval to the City Commission of the requested In-Lieu of Parking fee; and

WHEREAS, pursuant to LDR Section 2.4.5(O)(5), the City Commission must make findings that the request is consistent with the Land Development Regulations, City Comprehensive Plan, and all currently adopted City policies and/or studies.

WHEREAS, LDR Section 2.4.5(O)(5) requires that for in-lieu requests, the City Commission make an additional finding that adequate public parking options are available; and

WHEREAS, the City Commission considered this In Lieu Parking Fee Request, and has considered 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 incorporated herein by this reference and are approved.

Section 2. The City Commission makes positive findings that the request is consistent with the Land Development Regulations, City Comprehensive Plan, and all currently adopted City policies and/or studies.

Section 3. The City Commission makes positive findings that adequate public parking options are available.

Section 4. The City Commission approves the Owner's request to pay a fee of \$55,200.00 in-lieu of providing 12 required parking spaces for the proposed use conversion to restaurant and addition to the existing structure.

Section 5. The City Commission authorizes the City Manager to execute an agreement consistent with the approval herein.

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 \_\_\_\_\_, 2023.

ATTEST:

\_\_\_\_\_  
Katerri Johnson, City Clerk

\_\_\_\_\_  
Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Lynn Gelin, City Attorney