

IN THE CITY COMMISSION
CHAMBERS OF THE CITY OF
DELRAY BEACH, FLORIDA

**ORDER OF THE CITY COMMISSION
OF THE CITY OF DELRAY BEACH, FLORIDA**

**WAIVER REQUEST FOR NEW MONMOUTH
AT 36 SOUTH OCEAN BOULEVARD**

1. This waiver request came before the City Commission on January 16, 2018.
2. The Applicant and City staff presented documentary evidence and testimony to the City Commission pertaining to the waiver requests for New Monmouth located at 36 South Ocean Boulevard. All of the evidence is a part of the record in this case. Required findings are made in accordance with Subsections I.

I. WAIVERS: Pursuant to LDR Section 2.4.7(B)(5), prior to granting a waiver, the approving body shall make a finding 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.

A. Waiver to LDR Section 4.6.9(D)(1)(e) and Section 4.6.9(D)(11)(a)

Pursuant to LDR Section 4.6.9(D)(1)(e) and Section 4.6.9(D)(11)(a), Single level mechanical parking lifts ("Lifts"), if utilized, shall be integrated into an existing or proposed building for the uses they serve and enclosed with three walls and a roof. A maximum of 50 percent of the required parking within a non-residential or the non-residential portion of a multi-use development may utilize Lifts.

The applicant is requesting the use of mechanical parking lifts without providing a walled and roofed enclosure.

Should the waiver to LDR Section 4.6.9(D)(1)(e) and Section 4.6.9(D)(11)(a), allowing a mechanical parking lifts without a walled and roofed enclosure be granted?

Yes ___ No ___

B. Waiver to LDR Section 4.6.9(D)(11)(c)

Pursuant to LDR Section 4.6.9(D)(11)(c), lifts and the spaces below them must be operated by an attendant during all hours of operation. Upon closing, the parking attendant shall remove all vehicles from atop and beneath the Lifts and park them in an area where the customer may retrieve their vehicle. At no time shall the general public be permitted to operate the Lifts.

Should the waiver to LDR Section 4.6.9(D)(11)(c), allowing relief to the requirement that an attendant be present during hours of operation be granted?

Yes ___ No ___

3. The City Commission has applied the Comprehensive Plan and LDR requirements in existence at the time the original development application was submitted and finds that its determinations set forth in this Order are consistent with the Comprehensive Plan.

4. The City Commission finds there is ample and competent substantial evidence to support its findings in the record submitted and adopts the facts contained in the record including but not limited to the staff reports, testimony of experts and other competent witnesses supporting these findings.

5. Based on the entire record before it, the City Commission approves denies _____ these waiver requests with the following conditions:

1. That a class II site plan application be approved by the Site Plan Review and Appearance Board (SPRAB) that:

- a. Identifies the number of non-residential and residential parking spaces allowed to use the lifts and restricts the use of those spaces to the owner/employees or residents.
 - b. Confirms the screening vegetation along the west property line is fully contained on the subject property. If the vegetation is not on the subject property, screening vegetation must be provided.
 - c. Confirms and specifies the height of the north wall and that screening will be provided along the north property line.
 - d. Provide information regarding the decibel specifications of the lifts while operating.
2. Alternative screening, approved by the Planning, Zoning and Building Director, to block views from the south is required to be installed within 60 days in the event the wall on Boston's property (17 Salina Avenue) is removed.
 3. The addition of mechanical parking shall not allow an increase in intensity and/or density of the subject property without separate approval of a site plan modification.

6. Based on the entire record before it, the City Commission hereby adopts this Order this 16th day of January 2018, by a vote of ____ in favor and ____opposed.

ATTEST:

Cary D. Glickstein, Mayor

Katerri Johnson, City Clerk

Approved as to form and legal sufficiency:

R. Max Lohman, Esq., City Attorney

Department Head:

Timothy Stillings, Planning, Zoning and Building Director