

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

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

**TEMPORARY USE PERMIT FOR A
TEMPORARY PARKING LOT WITH ASSOCIATED WAIVERS,
LOCATED AT 2501 S. FEDERAL HWY.**

1. This temporary use permit and associated waiver requests for a temporary parking lot came before the City Commission on February 12, 2019.

2. The Applicant and City staff presented documentary evidence and testimony to the City Commission pertaining to the temporary use request and associated waivers for a Temporary Parking Lot located at 2501 S. Federal Hwy. All of the evidence is a part of the record in this case. Required findings are made in accordance with Subsection 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.

1. Waivers to LDR Sections 2.4.6(F)(3)(e)1, 3, 4, 5, and 8, to allow a temporary use permit for a temporary parking lot at the referenced locations for a period of two years.

- 1. **Should the waiver to LDR Section 2.4.6(F)(3)(e)1 be approved to permit the use of a temporary parking lot outside of the designated areas for temporary parking lots?**

Yes _____ No _____

2. Should the waiver to LDR Section 2.4.6(F)(3)(e)3 be approved to not require the applicant to 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, for the temporary use permit for temporary parking lot as presented?

Yes _____ No _____

3. Should the waiver to LDR Section 2.4.6(F)(3)(e)4 be approved to not require the applicant to submit a grading plan to be approved by the City Engineer and the site plan to be reviewed and recommended for approval by the Parking Management Advisory Board?

Yes _____ No _____

4. Should the waiver to LDR Section 2.4.6(F)(3)(e)5 be approved to permit a temporary parking lot for the period exceeding one year and without a recommendation by the Parking Management Advisory Board?

Yes _____ No _____

5. Should the waiver to LDR Section 2.4.6(F)(3)(e)8 be approved to allow a temporary parking lot which does not comply with the construction specifications in subsections a, c, d and e?

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.

6. Based on the entire record before it, the City Commission approves _____ denies _____ the temporary use permit for a temporary parking lot with the conditions of approval included in “Exhibit A” (attached).

7. Based on the entire record before it, the City Commission hereby adopts this Order this 12th day of February 2019, by a vote of ____in favor and __ opposed.

ATTEST:

Shelley Petrolia, Mayor

Katerri Johnson, CMC, City Clerk

Approved as to legal form
And sufficiency:

City Attorney

“Exhibit A”

Conditions of approval for the Temporary Use Permit for a temporary parking lot at 2501 S. Federal Hwy:

1. Applicant shall be required to obtain building permits prior to improving the site and storing vehicles or within 90 calendar days of the approval date.
2. The existing landscaping shall be maintained and irrigated until the temporary use vacates the property. A confirmation that the existing irrigation system is functioning properly shall be provided prior to storing vehicles on site or within 90 calendar days of the approval date.
3. Adequate and functioning security lighting shall be provided until the temporary use vacates the property. A certified statement from an Electrical Engineer shall be provided indicating that the existing site lighting functions properly prior to storing vehicles on site or within 90 calendar days of the approval date.
4. The property shall be maintained in clean and orderly manner. Debris and trash shall be removed regularly.
5. No parking, loading, or unloading of the vehicles outside the property.
6. No sales activity on the property.
7. No signage around the property's perimeter.
8. No advertising on or around the property's perimeter.
9. The temporary use permit is valid for a period of two (2) years with an expiration date of February 12, 2021. Extension requests shall be approved by the City Commission and must be requested 90 days prior to the expiration.
10. The applicant shall place a cash deposit of \$19,500.00 in escrow prior to issuance of a building permit associated with the temporary parking lot or within 90 calendar days of the approval date. The deposit is to be returned after the temporary use vacates the site if vacated prior to or on the expiration date and upon confirmation by the Development Services Director that all conditions of approval were met. If the permit is not extended by the City Commission and the use is not 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.