

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 1314 N. FEDERAL HWY.**

1. This temporary use permit and associated waiver requests for a temporary parking lot came before the City Commission on March 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 1314 N. Federal Hwy (12-43-46-09-12-000-0052, 12-43-46-09-12-000-0059, 12-43-46-09-12-000-0061, 12-43-46-09-12-000-0062, 12-43-46-09-39-000-0045). 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 _____ these waiver requests.
6. Based on the entire record before it, the City Commission approves 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 March 2019, by a vote of ____ in favor and ____ opposed.

ATTEST:

Shelly Petrolia, Mayor

Katerri Johnson, CMC, City Clerk

Approved as to legal form
And sufficiency:

Lynn Gelin, City Attorney

“Exhibit A”

Conditions of approval for the Temporary Use Permit for a temporary parking lot at 1314 N. Federal Hwy:

1. Applicant shall be required to obtain a building permit associated with the temporary use prior to improving the site to store vehicles.
2. When placing a perimeter fence, sight visibility triangles shall comply with LDR Section 4.6.14(B).
3. Applicant must coordinate with FDOT and either secure all permit(s) required or provide documentation that permits are not required for any improvements at the site.
4. The unpaved areas to be used for storage of vehicles shall be graded with gravel if not sodded with Bahia grass or weed and/or the grass is not maintained in good condition.
5. The Applicant shall secure a portion of the site where the previous building was partially located and ensure that there shall be no access to that portion of the site. The subject location shall be depicted on the fence permit for review.
6. The Applicant shall at all times comply with the rules regarding monitoring the wells on the site and shall provide appropriate access to agencies when required.
7. 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.
8. To screen the site, a 6-feet high, chain-link fence system with windscreen installed on the outside of the fence (black or green) shall be placed around the interior perimeter of the property on all sides, including gates.
9. Nuisance tree species located on properties, to be identified by the Senior Landscape Planner per LDR Section 4.6.19(E)(6), shall be removed prior to storing cars on site. A building permit shall be submitted prior to removal.
10. The existing landscape barrier (hedge) along the east property line, adjacent to North Federal Highway, shall be maintained per LDR 4.6.16(H)(3)(a).
11. The gates shall be locked and well secured to avoid vandalism and theft from occurring on the properties.
12. There shall be no gates on the east side of the property facing Federal Hwy. Access to the site shall be taken from Old Dixie Hwy.
13. The property shall be maintained in clean and orderly manner. Debris and trash shall be removed regularly. The property shall be returned to its current conditions, in accordance with the Land Development Regulations, prior to expiration of the temporary use permit (fencing and other temporary improvements associated with the request shall be removed).

14. Adequate and functioning security lighting shall be installed/provided throughout the entire site prior to storing vehicles on the properties.
15. No parking, loading, or unloading of the vehicles shall be permitted within the adjacent right-of-way or in areas outside of the property.
16. No sales activity shall be permitted on the property. No customers are permitted on the property.
17. Signage is not permitted around the property's perimeter.
18. Advertising is not permitted on or around the property's perimeter.
19. The temporary use permit for the temporary parking lot is valid until March 12, 2021. Extension requests shall be approved by the City Commission and must be requested 90 days prior to the expiration.
20. 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. 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 temporary use 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.