

Resolution No 110-19

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH CONSIDERING A TEMPORARY USE PERMIT REQUEST FOR A TEMPORARY PARKING LOT WITH WAIVERS TO LDR SECTIONS 2.4.6(F)(3)(e)1, 3, 4, 5, AND 8 TO PURSUANT TO LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, AND THE COMPREHENSIVE PLAN, AT 101 NW 18TH AVENUE (PCN 12-43-46-18-00-000-1120 & 12-43-46-18-00-000-1141); PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES (2019-154-WAI-CCA).

WHEREAS, Leigh Gove (“Agent”), on behalf of Farm Supply Building LLC (“Applicant/Property Owner”), submitted a development application for the approval of a temporary parking lot with waivers located at 101 NW 18th Avenue on May 21, 2019; and

WHEREAS, the subject property is located on the east side of NW 18th Avenue and abuts the Florida East Coast (FEC) railway, consists of 2.54 acres, and is zoned Mixed Industrial Commercial (MIC); and

WHEREAS, the proposed temporary use consists of a temporary parking lot with requested waivers to Land Development Regulation (LDR) Sections 2.4.6(F)(3)(e)1, 3, 4, 5, and 8; and

WHEREAS, LDR section 2.4.6(F)(3)(e)1 states a temporary parking lot may be permitted within the following areas:

- a. the portion of the Central Business District (CBD) and Community Facilities (CF) District, which is bounded by Swinton Avenue on the west, the Intracoastal Waterway on the east, N.E. 2nd Street on the north, and S.E. 2nd Street on the south;
- b. the portion of the CBD District which is bounded by N.E. 2nd Avenue on the west, the FEC Railway on the east, N.E. 2nd Street on the south, and N.E. 4th Street on the north;
- c. the portion of the CBD located east of the Intracoastal Waterway;
- d. the non-residential zoning districts bounded by Swinton Avenue on the east, I-95 on the west, N.W. 1st Street on the north, and S.W. 1st Street on the south.

WHEREAS, LDR section 2.4.6(F)(3)(e)3 states that prior to issuance of the temporary use permit, the applicant shall 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; and

WHEREAS, LDR section 2.4.6(F)(3)(e)4 states the City Engineer shall approve the grading plan for the parking lot and the site plan shall be reviewed and recommended for approval by the Parking Management Advisory Board prior to submission to the City Commission for consideration; and

WHEREAS, LDR section 2.4.6(F)(3)(e)5 states permits for temporary parking lots shall be issued for a one-year period and may be renewed annually to a maximum of three years upon review and positive recommendation by the Parking Management Advisory Board; and

WHEREAS, LDR section 2.4.6(F)(3)(e)8 states a temporary parking lot shall be constructed to the following specifications:

a. The parking lot surface shall be brought to grade with a dust-free surface of one of the following materials over soil which has been compacted to 95 percent maximum density per AASHTO T-180:

1. four inches of crushed limerock or shellrock coated with a prime coat per FDOT "Standard Specifications for Road and Bridge Construction", latest edition;
2. four inches of pearock, gravel or river rock; or
3. six inches of mulch.

c. If the lot is operated on a 100 percent valet basis, then wheel stops shall be provided at the edge of the parking surface.

WHEREAS, LDR Section 2.4.7(B)(5) *Waiver*; 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 a similar circumstances on other property for another applicant or owner; and

WHEREAS, the City of Delray Beach Development Services Department has reviewed the proposed temporary use permit request for a temporary parking consisting of waivers and recommended approval based upon positive findings of the referenced LDR Sections; and

WHEREAS, the Waivers for the temporary use permit request for a temporary parking lot at 101 NW 18th Avenue (2019-154-WAI-CCA) was presented to the City Commission at a quasi-judicial hearing conducted on May 21, 2019; and

WHEREAS, the City Commission has reviewed the temporary use permit request for a temporary parking lot with waivers to LDR Sections 2.4.6(F)(3)(e)1, 3, 4, 5, and 8 at 101 NW 18th Avenue and has considered the respective findings for each 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. That the foregoing recitals are hereby incorporated by this reference.

Section 2. The City Commission makes positive findings for granting approval of the temporary use permit for a temporary parking lot with waivers at 101 NW 18th Avenue, incorporated herein as Exhibit "A" and Exhibit "B", subject to the following conditions:

- a. That the door hanger code violation 19-00000977 be rectified before the temporary use permit is issued.
- b. Applicant shall be required to obtain building permits prior to improving and storing vehicles on site.
- c. Adequate and functioning security lighting shall be installed prior to storing vehicles on site. Lighting levels shall be maintained, per LDR Section 4.6.8, until the proposed temporary use vacates the site. A building permit shall be submitted for the installation of lighting.
- d. Property shall be maintained in a clean and orderly manner. Debris and trash shall be removed regularly.

- e. The applicant shall remove all Prohibited Plant Species per LDR 4.6.16(G)(1) and LDR 4.6.19(E)(6)(b), if applicable.
- f. The unpaved area to be used for storage of vehicles shall be graded with gravel if not sodded with Bahia grass or weed and/or the grass must be maintained in good condition.
- g. No parking, loading or unloading of the vehicles outside of the property.
- h. The gates shall be locked and well secured to avoid vandalism and theft from occurring on the property. In addition, the existing security and wall system shall be maintained.
- i. No sales activity on the property. No customers are permitted on the property.
- j. No signage around the property perimeter.
- k. No advertising on or around the property's perimeter.
- l. The property shall be returned to its current conditions, in accordance with the Land Development Regulations, prior to expiration of the temporary use permit (temporary improvements associated with the request shall be removed.)
- m. The applicant at all times comply with the rules regarding the monitoring wells on the site and shall ensure the appropriate agencies have access to the wells when required.
- n. 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.
- o. The temporary use permit is valid for a period of two years with an expiration date of May 21, 2021. Extension requests shall be approved by the City Commission and must be requested 90 days prior to the expiration.
- p. The applicant shall place a cash deposit of \$19,500.00 in escrow prior to issuance of a building permit. The deposit is to be returned after the expiration of the permit if the site complies with all the conditions of approval and is 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 based upon the amount of time the temporary parking lot occupies the site beyond the expiration date.

Section 5. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 6. This Resolution shall become effective immediately upon adoption.

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

M A Y O R

ATTEST:

Katerri Johnson, City Clerk

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

Exhibit “A”
101 NW 18th Avenue
Site Plan

Exhibit “B”
101 NW 18th Avenue
Survey