

RESOLUTION NO. 168-20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING TWO WAIVER REQUESTS TO SECTION 4.6.9, "OFF-STREET PARKING REGULATIONS," SUBSECTION 4(F)(3)(d), "VALET PARKING," OF THE LAND DEVELOPMENT REGULATIONS; APPROVING THE DIMENSIONS OF VALET AND TANDEM PARKING SPACES TO BE EIGHT FEET WIDE BY SIXTEEN FEET DEEP AND APPROVING DRIVE AISLE TO BE FIFTEEN FEET WIDE FOR THE DEVELOPMENT LOCATED AT 233 NE 2ND AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach, Florida ("the City") received a Class IV Site Plan application (2020-054) associated with property located at 233 NE 2<sup>nd</sup> Avenue ("the Property"), from Grove Rosebud Two, LLC ("Applicant/Property Owner"), which involves the development of a multi-use facility, including, but not limited to, hotel, restaurant, and commercial/retail uses on the Property; and

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

WHEREAS, Section 4.6.9 of the City's Land Development Regulations ("the LDR") sets forth the standards for off-street parking; and

WHEREAS, specifically, Section 4.6.9(F)(3), states that a parking facility with a valet service or operator which allows for attendants to receive, park and deliver the automobiles of occupants, tenants, customers, invitees, and visitors, including tandem parking may be utilized in lieu of the requirements of Section 4.6.9, so long as it meets certain requirements; and

WHEREAS, further, LDR Section 4.6.9(F)(3)(d) states the dimensions for valet and tandem parking spaces shall be a minimum of eight and one-half feet wide and sixteen feet deep with a maximum stacking of two vehicles along with a drive aisle of twenty-four feet; and

WHEREAS, the Applicant/Property Owner has proposed dimensions for valet and tandem parking spaces that are a minimum of eight feet wide by sixteen feet deep and a minimum fifteen feet drive aisle is proposed; and

WHEREAS, pursuant to LDR Section 2.4.7(B)(5), which governs waivers from development regulations, the approving body shall make a finding the granting of a 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 circumstance on other property for another applicant or owner; and

WHEREAS, pursuant to LDR Section 4.4.13(K)(5)(b)(2), in addition to the standards in LDR Section 2.4.7(B)(5), the following standards shall be used when the approving body is considering a waiver request within the Central Business District:

(a) The waiver shall not result in an inferior pedestrian experience along a Primary Street, such as exposing parking garages or large expanses of blank walls;

(b) The waiver shall not allow the creation of significant incompatibilities with nearby buildings or uses of land;

(c) The waiver shall not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle/pedestrian master plan; and,

(d) The waiver shall not reduce the quality of civic open spaces provided under this code.; and

WHEREAS, at its meeting of August 26, 2020, the Site Plan Review and Appearance Board voted 7 to 0 to recommend approval of the Class IV Site Plan modification (2020-054) which included the proposed waivers to LDR Section 4.6.9(F)(3)(d); and

WHEREAS, On October 6, 2020, the City Commission considered the waiver requests to LDR Section 4.6.9(F)(3)(d), to allow the proposed dimensions for valet and tandem parking spaces to be a minimum of 8 feet wide by 16 feet deep and the drive aisle to be a minimum of 15 feet wide, for the Property as described in Exhibit "A" in accordance with the standards listed in LDR Sections 2.4.7(B)(5) and 4.4.13(K)(5)(b)(2).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the forgoing recitals are hereby incorporated herein by this reference and are approved and adopted.

Section 2. The City Commission makes positive findings that the requested waivers (1) do not adversely affect the neighboring area, (2) do not significantly diminish the provision of public facilities, (3) do not create an unsafe situation, and (4) do not result in the grant of a special privilege in that the same waivers would be granted under a similar circumstances on other property for another applicant or owner.

Section 3. The City Commission makes positive findings that the requested waivers (1) do not result in an inferior pedestrian experience along a Primary Street; (2) do not allow the creation of significant incompatibilities within nearby buildings or uses of land; (3) do not erode the connectivity of the street network or negatively impact any adopted bicycle/pedestrian master plan; and (4) do not reduce the quality of civic open

spaces provided under this code.

Section 4. The City Commission approves the waiver request to LDR Section 4.6.9(F)(3)(d), for valet and tandem parking spaces to be a minimum of eight (8) feet wide by sixteen (16) feet deep and the drive aisle to be a minimum of fifteen (15) feet wide, for the Property as more particularly described in Exhibit “A.”

Section 5. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Grove Rosebud Two, LLC.

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 \_\_\_\_\_, 2020.

ATTEST:

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

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Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

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Lynn Gelin, City Attorney