

RESOLUTION NO. 96-21

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, EXTENDING A TEMPORARY USE PERMIT FOR ONE ADDITIONAL YEAR TO OPERATE A TEMPORARY PARKING LOT AT 101 NORTHWEST 18TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City Commission of the City of Delray Beach, Florida (“the City”) approved Resolution No. 110-19 granting a Temporary Use Permit with waivers to operate a temporary parking lot for the property located at 101 Northwest 18th Avenue (“the Property”) from Farm Supply Building LLC (“Applicant”) on June 4, 2019 for a period of two years; and

WHEREAS, despite a scrivener’s error noting that the temporary use permit expired on May 21, 2021, the actual expiration date was on June 3, 2021; and

WHEREAS, the applicant is seeking an extension of the temporary use permit to continue operating a temporary parking lot outside the permissible geographical areas and waving the required documents and regulations set forth in Section 2.4.6(F)(3)(e), Subsections 1, 3, 4, and 8, of the LDR; and

WHEREAS, Section 2.4.6(B)(4) of the LDR, grants the authority to impose conditions upon the granting of a waiver; and

WHEREAS, Section 2.4.6(F)(3)(e)(5) of the Land Development Regulations provides for annual renewals of permits to a maximum of three years; and

WHEREAS, the request to extend the temporary use permit was presented to the City Commission at a quasi-judicial hearing conducted on July 6, 2021; and

WHEREAS, the City Commission considered the request as well as the respective findings 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 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 waiver would be granted under similar circumstances on other property for another applicant or owner.

Section 3. The City Commission approves a one-year extension of the Temporary Use Permit with waivers to operate a temporary parking lot for the property located at 101 Northwest 18th Avenue, as more particularly described in Exhibit “A”, which is incorporated herein, subject to the previously imposed conditions.

Section 4. The City Clerk, or designee, is directed to send a certified copy of this Resolution to Leigh Gove, Farm Supply Building, LLC, 1221 Vista Del Mar, Delray Beach, Florida 33483.

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 All Resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

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

PASSED AND ADOPTED in regular session on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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Shelly Petrolia, M A Y O R

ATTEST:

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Katerri Johnson, City Clerk

Approved as to form and legal sufficiency:

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Lynn Gelin, City Attorney

**Exhibit “A”**

18-46-43, S 320 FT OF ELY 275 FT OF N 1/2 OF SE 1/4 OF NE 1/4 LYG W OF & ADJ TO SAL RY R/W  
(LESS S 25 FT OF W 179.99 FT NW 1ST ST R/W)