



Legislation Details (With Text)

File #: 20-040 **Version:** 1 **Name:**

Type: Resolution **Status:** Passed

File created: 1/8/2020 **In control:** City Commission

On agenda: 3/3/2020 **Final action:** 3/3/2020

Title: RESOLUTION NO. 32-20: A RESOLUTION OF THE CITY COMMISSION OF THE OF THE CITY OF DELRAY BEACH APPROVING A TEMPORARY USE PERMIT REQUEST FOR A TEMPORARY PARKING LOT WITH WAIVERS TO LDR SECTIONS 2.4.6(F)(3)(e)1, 3, 4, 7, AND 8 AT 541-571 W. LINTON BLVD (PCN 12-43-46-20-80-001-0000); PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES (QUASI-JUDICIAL).

Sponsors: Development Services Department

Indexes:

Code sections:

Attachments: 1. Agenda Cover Report, 2. Res 32-20 541-571 W Linton Blvd, 3. "Exhibit A" survey, 4. Approved_AND_Proposed_TempParking, 5. Justification letter, 6. PropertyDetail, 7. Location Map, 8. Simple Legal Review Approval 32-20

Date	Ver.	Action By	Action	Result
3/3/2020	1	City Commission	approved as amended	Pass

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Director
THROUGH: George Gretsas, City Manager
DATE: March 3, 2020

RESOLUTION NO. 32-20: A RESOLUTION OF THE CITY COMMISSION OF THE OF THE CITY OF DELRAY BEACH APPROVING A TEMPORARY USE PERMIT REQUEST FOR A TEMPORARY PARKING LOT WITH WAIVERS TO LDR SECTIONS 2.4.6(F)(3)(e)1, 3, 4, 7, AND 8 AT 541-571 W. LINTON BLVD (PCN 12-43-46-20-80-001-0000); PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES (QUASI-JUDICIAL).

Recommended Action:

Review and consider Resolution No. 32-20, approving a temporary use permit for a temporary parking lot with wavers to Sections 2.4.6(F)(3)(e) 1, 3, 4, 7, and 8 of the Land Development Regulations for 541-571 W Linton Blvd.

Background:

An application for a temporary use permit with waivers from Sections 2.4.6(F)(3)(e)1, 3, 4, 7, and 8 of the Land Development Regulations (LDR) to allow a temporary parking lot for the storage of vehicles on property located at 541-571 W. Linton Blvd was submitted on behalf of Delray Village Shoppes, Inc. The subject property is located at 541-571 W. Linton Blvd on the corner of SW 4th Avenue and W. Linton Blvd. The subject property is zoned General Commercial (GC) and is approximately 2.48 acres. This parcel of land is currently vacant, while the rest of the site consists of two commercial/restaurant shopping plaza buildings built in 2014. The temporary use permit is for the

storage of vehicles for Grieco Motors, LLC, which is located at 2001 S. Federal Hwy.

As a part of the request for a temporary parking lot, the applicant is requesting relief from the following Land Development Regulation requirements:

LDR Section 2.4.6(F)(3)(e)(1): 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.

The proposed location is not within these geographical parameters.

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.

The applicant requests a waiver from the site plan submittal requirement for the temporary car storage use.

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.

The applicant requests a waiver from the grading plan requirement for the temporary car storage use.

LDR Section 2.4.6(F)(3)(e)7 states within 30 days of expiration of the permit, all rock or gravel surfaces shall either be removed or covered with topsoil. The site shall then be sodded or landscaped as determined acceptable by the Planning and Zoning Department.

The applicant requests a waiver as they do not intend to use rock or gravel for the surface.

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 American Association of State Highway and Transportation Officials (AASHTO) T-180:

1. four inches of crushed lime rock or shellrock coated with a prime coat per Florida Department of Transportation (FDOT) "Standard Specifications for Road and Bridge Construction", latest edition;

2. four inches of pearrock, gravel or river rock; or

3. *six inches of mulch*

- b. If the lot is not operated on a 100 percent valet basis, wheel stops shall be provided to indicate individual spaces. The size of the parking spaces, maneuvering areas and aisle widths shall be subject to the standards of Section 4.6.9(D)(4). In addition, the parking lot shall meet the requirements of the "Florida Accessibility Code for Building Construction".*
- 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.*
- d. The lot shall meet the requirements of Section 4.6.9(D)(3) for access to the street system. Driveway aprons between the edge of pavement and the right-of-way line shall be constructed of asphalt or concrete.*
- e. The parking lot perimeter shall be buffered with a minimum three feet wide landscape strip, screened with a minimum two feet high hedge or four feet high opaque fence. Water for irrigation shall be available within 50 feet of all landscaped areas.*
- f. If the parking lot is to be utilized at night, the applicant shall contract with FPL to install supplementary lighting on adjacent power poles where possible. The applicant may, as an option, provide alternative on-site lighting for the parking lot.*
- g. Trees of four inches or greater diameter at four and one-half feet above the ground shall not be removed.*

The applicant does not intend to install an improved surface, wheel stops, or landscaping.

Pursuant to LDR Section 2.4.7(B)(5), prior to granting a waiver, the granting body shall make findings that 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

The applicant is requesting a waiver to locate the temporary use outside of the geographic area and states that they will use the site in its current condition to store inventory of cars while the construction of two dealerships are simultaneously taking place. The applicant states a site plan is not necessary to show proposed grade elevations, landscaping and other information due to the temporary use of a twelve-month period. It should be noted that the cars are already staged on site and, as a result, there is an active code case (19-14055); one of the recommended conditions of approval is to rectify the code violation before the temporary use permit is issued. The applicant contends he does not intend to repave or grade the parking lot, but use in its current condition for automobile storage purposes only, therefore a grading plan for the City Engineer is not necessary.

Several conditions of approval are recommended in the Resolution, including that the site must be maintained throughout the duration of the temporary use of the temporary parking lot to ensure that it will not adversely affect the neighboring area, diminish the provisions of public facilities nor create an unsafe situation. Although, similar waivers have been granted for other properties, it should be noted

that this will be the fourth temporary parking lot request for the storage of automobiles in the City since 2018. In addition, Greico is applying for a permanent use parking lot located at 15 SE 10th Street.

The resolution has several conditions of approval that must be maintained throughout the duration of the temporary use of the temporary parking lot to ensure that it will not adversely affect the neighboring area, diminish the provisions of public facilities nor create an unsafe situation:

- a. Code violation 19-14055 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. 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. If non-vinyl-coated fence is utilized, a hedge shall be installed per LDR Section 4.6.5 (D).
- d. 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 if necessary.
- e. Property shall be maintained in a clean and orderly manner. Debris and trash shall be removed regularly.
- 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 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.
- n. The temporary use permit is valid for a period of one year with an expiration date of March 3, 2021. Extension requests shall be approved by the City Commission and must be requested 90 days prior to the expiration.
- o. 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.

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source/Financial Impact:

N/A

Timing of Request:

N/A