



Legislation Details (With Text)

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File created:	9/29/2017	In control:		City Commission	
On agenda:	10/17/2017	Final action:			
Title:	TERMINATION AGREEMENT AND MUTUAL RELEASE OF THE PARKING COMPLIANCE AGREEMENT WITH THE METROPOLITAN AT DELRAY, LLC AND SUNTRUST BANK				
Sponsors:	Planning & Zoning Department				
Indexes:					
Code sections:					
Attachments:	1. Delray-SunTrust Agreement Termination Request 09.27.17, 2. Termination and Release between the City SunTrust and Metropolitan-Signed 10.05.17, 3. Parking compliance agreement recorded, 4. EXHIBIT A - Map of Parcels 1 thru 8				

Date	Ver.	Action By	Action	Result
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TO: Mayor and Commissioners
FROM: Timothy Stillings, Planning, Zoning and Building Director
THROUGH: Chief Neal de Jesus, Interim City Manager
DATE: October 17, 2017

TERMINATION AGREEMENT AND MUTUAL RELEASE OF THE PARKING COMPLIANCE AGREEMENT WITH THE METROPOLITAN AT DELRAY, LLC AND SUNTRUST BANK

Recommended Action:

Motion to Approve the Termination Agreement and Mutual Release, as presented.

Background:

On September 19, 2014, the Metropolitan at Delray, LLC ("Metropolitan"), submitted applications to the City of Delray Beach Planning & Zoning Department for a conditional use (density and height), and a Class V and Class II site plan. Upon investigation by City staff, it was determined that parcels for the Metropolitan were previously associated with the SunTrust Bank ("SunTrust") and would create a 15-space parking deficit for Suntrust, which based on a site plan dated January 12, 1987. As a result of this finding, a parking compliance agreement ("Agreement") was prepared to establish compliance with the Land Development Regulations ("LDR") for off-site parking for Suntrust Bank based upon the LDRs as of September 2014. The Agreement was approved on March 3, 2015, and executed on September 21, 2015.

In February 2015, the City Commission adopted amendments to the LDRs for the Central Business District (CBD), which is the zoning for the two properties referenced. Ordinance No. 02-15 amended the parking requirements within the CBD. One of the LDR changes regarding parking was Section 4.4.13(I)(2)(d) which states "Properties less than 65 feet in width are not required to provide off-street parking, except for restaurant and lounge uses." The SunTrust property has frontage on E. Atlantic Avenue of 44 feet and a midpoint width of 55 feet. Based upon the referenced LDR section, the

property is not required to provide parking except for restaurant or lounge uses. Therefore, the SunTrust is no longer required to keep the associated parking spaces at 306 E. Atlantic. This renders the parking compliance agreement unnecessary as the spaces in the Agreement are not needed for the SunTrust to be in compliance with the City's LDRs.

SunTrust is the fee simple owner of the properties depicted and described on Exhibit "A" as "Parcel 2", "Parcel 3", "Parcel 4", and "Parcel 5". SunTrust owns a leasehold interest in "Parcel 6", "Parcel 7" and "Parcel 8". A SunTrust bank facility and associated office space and drive through lanes (collectively, "Bank Building") are located on "Parcel 2", "Parcel 3" and "Parcel 6." Metropolitan is the fee simple owner of "Parcel 1", "Parcel 6", "Parcel 7" and "Parcel 8".

City Attorney Review:

Approved as to form and legal sufficiency.

Finance Department Review:

N/A

Funding Source:

N/A

Timing of Request:

SunTrust Bank has requested the agreement termination as the earliest meeting date available.