



## Legislation Details (With Text)

<b>File #:</b>	18-206	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Request	<b>Status:</b>		Passed	
<b>File created:</b>	3/26/2018	<b>In control:</b>		City Commission	
<b>On agenda:</b>	4/17/2018	<b>Final action:</b>		4/17/2018	
<b>Title:</b>	A WAIVER REQUEST TO LDR SECTION 4.6.9(d)(3)(c)(2), TO REDUCE THE REQUIRED STACKING DISTANCE IN ADVANCE OF GUARDBOUSES AND SECURITY GATES FROM 100 FEET TO 30 FEET FOR THE PALM TRAN SOUTH COUNTY FACILITY. (QUASI-JUDICIAL HEARING)				
<b>Sponsors:</b>	Planning & Zoning Department				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Agenda Cover Report, 2. cc waiver board order, 3. Letter - Waiver Request REV 031318, 4. class III staff report, 5. addendum for waivers				

Date	Ver.	Action By	Action	Result
4/17/2018	1	City Commission	approved	

**TO:** Mayor and Commissioners  
**FROM:** Tim Stillings, Planning, Zoning and Building Department  
**THROUGH:** Mark R. Lauzier, City Manager  
**DATE:** April 17, 2018

A WAIVER REQUEST TO LDR SECTION 4.6.9(d)(3)(c)(2), TO REDUCE THE REQUIRED STACKING DISTANCE IN ADVANCE OF GUARDBOUSES AND SECURITY GATES FROM 100 FEET TO 30 FEET FOR THE PALM TRAN SOUTH COUNTY FACILITY. (QUASI-JUDICIAL HEARING)

### **Recommended Action:**

Move to approve the waiver to LDR Section 4.6.9(D)(3)(c)(2), which requires a minimum stacking distance of 100 feet from the security where 30 feet is proposed, based on positive findings with LDR Section 2.4.7(B)(5).

### **Background:**

The subject 10.107 acre property is located at the northwest corner of Congress Avenue and NW 1<sup>st</sup> Avenue, is zoned CF (Community Facilities) and contains the existing Palm Tran South County Facility.

At its meeting of January 16, 2018, the City of Delray Beach (City) City Commission approved the conditional use associated with the expansion of operations for the Palm Tran South County Facility.

The project proposal is associated with the expansion of operations of the existing bus terminal facility to include additional employees, additional bus parking spaces and a new secured employee parking area. At its meeting of March 14, 2018, the Site Plan Review and Appearance Board approved the site plan modification associated with this expansion and recommended approval of the

vehicle stacking distance waiver to the City Commission. A new parking area is located on the south of the project. A guardhouse is proposed for this parking area that is located 30 feet from the cul-de-sac at the end of NW 1st Street. The stacking distance waiver was processed concurrently with the site plan modification together with the landscape waiver that was approved by the Site Plan Review and Appearance Board.

**Stacking Distance:**

The proposed waiver is to LDR Section 4.6.9(D)(3)(c)(2), which requires a minimum stacking distance of 100 feet in advance of guardhouses and security gates. A stacking distance of 30 feet is proposed from the security gate.

Pursuant to LDR Section 2.4.7(B)(5), 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 similar circumstances on other property for another applicant or owner.

The applicant has submitted the attached narrative that includes their justification for the proposed waiver. Since the street is a dead-end, there isn't a concern that the reduced stacking will interfere with cross traffic. Further, the nearest driveway is approximately 175 feet to the east of the security gate. A waiver with similar circumstances on other properties would be supported. Based on the above, positive findings are made with respect to LDR Section 2.4.7(B)(5), Waiver Findings.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

The certification of the site plan modification is dependent on the waiver.