



## Legislation Details (With Text)

**File #:** 21-573      **Version:** 1      **Name:**

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**File created:** 5/19/2021      **In control:** City Commission

**On agenda:** 7/6/2021      **Final action:**

**Title:** 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 (QUASI JUDICIAL)

**Sponsors:** Development Services Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Cover Report, 2. Res No. 96-21 Temp Parking 101 NW 18th Avenue, 3. Justification Letter, 4. 101 NW 18th Ave - Survey, 5. 101 NW 18th Ave - Diagram of Area, 6. Res No. 110-19, 7. Approved and Proposed Temporary Parking Lots, 8. Legal Review Res 96-21 Temporary Use Permit for temporary parking lot at 101 NW 18th Ave

Date	Ver.	Action By	Action	Result
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**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** Jennifer Alvarez, Interim City Manager  
**DATE:** July 6, 2021

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 (QUASI JUDICIAL)

### **Recommended Action:**

Review and consider Resolution No. 96-21, for the temporary use permit request for a temporary parking lot with waivers to LDR Sections 2.4.6(F)(3)(e), Subsections 1, 3, 4, and 8, located at 101 NW 18th Avenue.

### **Background:**

The subject property is located on the east side of NW 18th Avenue and abuts the CSX railway. The subject property is zoned Mixed Industrial and Commercial (MIC) and is approximately 2.54 acres. A warehouse/storage building is located on the property which was built in 1947. At its meeting of June 4, 2019, the City Commission passed Resolution No. 110-19 (5-0), approving a temporary use permit and granting waivers to allow a temporary parking lot for the storage of vehicles on the property at 101 NW 18th Avenue. Several conditions of approval were stipulated, including "that the temporary use permit is valid for a period of two years with an expiration date of May 21, 2021. Extension

requests shall be approved by the City Commission and must be requested 90 days prior to the expiration date."

The applicant initially sought to rely upon the Governor's executive orders regarding extensions pursuant to states of emergency to process an administrative extension of the temporary use; however, staff has determined that a temporary use permit for a temporary parking lot does not meet the statutory criteria for "development" as defined by the orders. Therefore, an extension of the permit requires City Commission approval.

Resolution No. 110-19 specifically granted waivers to LDR Sections 2.4.6(F)(3)(e), Subsections 1,3,4,5, and 8:

(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.

(3): 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.

(4): The City Engineer shall approve the grading plan for the parking lot. 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.

(5) Permits for temporary parking lots shall be issued for a one-year period.

(8) 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 AASHTO T-180:

- 1. four inches of crushed limerock or shellrock coated with a prime coat per FDOT "Standard Specifications for Road and Bridge Construction", latest edition;
- 2. four inches of pearock, 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 as a means 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.

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

- (a) Shall not create an unsafe situation.
- (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 application or owner

The request is outside the geographic area identified for temporary parking lots; however, the code likely did not anticipate temporary parking lots for private vehicle inventory rather than publicly accessible parking for events, etc. The site was updated with lighting as it was a condition of approval in 2019. The applicant agrees to continue to operate the temporary use permit under the same conditions as previously approved to ensure that it will not adversely affect the neighboring area, diminish the provisions of public facilities nor create an unsafe situation. Similar waivers have been granted on other properties throughout the City including this property, most to help accommodate inventory for car dealers during the construction of improvements to the main place of business. In this case, Schumacher Automotive does not have significant construction underway. If the intent is to have a permanent parking lot to accommodate the storage of vehicle inventory, a conditional use is required. The proposed extension is for one year.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

N/A