



## Legislation Text

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File #: 19-503, Version: 1

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**TO:** Mayor and Commissioners  
**FROM:** Tim Stillings, Development Services Department  
**THROUGH:** Neal de Jesus, Interim City Manager  
**DATE:** May 21, 2019

RESOLUTION NO 110-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH FOR A TEMPORARY USE PERMIT REQUEST FOR A TEMPORARY PARKING LOT WITH WAIVERS FROM LDR SECTION 2.4.6(F)(3)(e)1,3,4, 5 AND 8 TO PERMIT A TEMPORARY PARKING LOT WHICH IS PURSUANT TO LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, AND THE COMPREHENSIVE PLAN, AT 101 NW 18TH AVENUE (PCN 12-43-46-18-00-000-1120 & 12-43-46-18-00-000-1141); PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES (2019-154-WAI-CCA). (QUASI-JUDICIAL)

### **Recommended Action:**

Review and consider Resolution No. 110-19, for the temporary use permit for a temporary parking lot located at 101 NW 18th Avenue, with waivers to Land Development Regulations (LDR) Sections 2.4.6(3)(e)1, 3, 4, 5, and 8.

### **Background:**

A temporary use permit with waivers from LDR Sections 2.4.6(F)(3)(e)1,3,4,5 and 8 to allow a temporary parking lot for the storage of vehicles on property located at 101 NW 18th Avenue was submitted on behalf of Farm Supply Building LLC. The subject property is located on the eastside of NW 18th Avenue and abuts the Florida East Coast (FEC) railway. The subject property is zoned Mixed Industrial Commercial (MIC) and is approximately 2.54 acres. A warehouse/storage building is located on the property which was built in 1947. The temporary use permit is for the storage of vehicles for Schumacher Auto Delray which is located at 2102 S. Federal Hwy, during construction of onsite improvements.

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

Land Development Regulation 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. 2 nd Street on the north, and S.E. 2 nd Street on the south;
- b. the portion of the CBD District which is bounded by N.E. 2 nd Avenue on the west, the FEC

Railway on the east, N.E. 2 nd Street on the south, and N.E. 4 th 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. 1 st Street on the north, and S.W. 1 st Street on the south.

Land Development Regulation Section 2.4.6(F)(3)(e)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.

Land Development Regulation Section(F)(3)(e)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.

Land Development Regulation Section(F)(3)(e)5; Permits for temporary parking lots shall be issued for a one-year period. Permits may be renewed annually to a maximum of three years upon review and positive recommendation by the Parking Management Advisory Board.

Land Development Regulation Section(F)(3)(e)8(a)&(c); 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 AASHTO T-180:

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.

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;

The granting of these waivers will not adversely affect the neighboring area. A positive finding of this criteria is made.

(b) Shall not significantly diminish the provision of public facilities

The granting of these waivers will not diminish the provision of public facilities. A positive finding of this criteria is made.

(c) Shall not create an unsafe situation; and

The granting of this waiver shall not create an unsafe situation. The gates shall always remain locked and well secured. In addition, the existing security and wall system as well as lights shall be maintained. A positive finding can be made.

(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 granting of these waivers would not be considered a special privilege in that

similar temporary use permits for temporary parking lots with waivers for other properties have been granted. Thus, a positive finding can be made.

The applicant is requesting a waiver outside of the geographic area and states that they will be using the site in its current condition, therefore a site plan is not necessary to show proposed grade elevations, landscaping and other information. The applicant does not intend to repave the parking lot but to use in its current condition as they state it is for automobile storage purposes only, therefore a grading plan for the City Engineer is not necessary. The temporary use permit for the temporary parking lot is issued for a one-year period, the applicant is requesting a two-year approval. There are several conditions of approval that must be maintained throughout the duration of the two-year period 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. As stated before, similar waivers have been granted for other properties. Therefore, positive findings for all the above findings can be made.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

N/A